

TRURO PLANNING BOARD AGENDA
WEDNESDAY, NOVEMBER 18, 2015 – 6:00 pm
Truro Town Hall, 24 Town Hall Road, Truro

Public Comment Period: The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

Definitive Subdivision Continuance

6:00 pm 2015-007PB – Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81T and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53. The Application seeks approval of a single lot subdivision access to and egress from which will be served by a driveway located over a right of way as meeting the specifications set forth in a Judgment entered in the Commonwealth of Massachusetts Land Court. Continued from October 6, 2015.

Preliminary Subdivision

2015-008PB Secret Family Trust, seeks approval of a 2 lot preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 54 Old Kings Highway, Assessors Map 47, Parcels 120 & 20.

Temporary Sign Permits

Payomet Performing Arts Center, seeks approval for an Application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary Signs (November 15 – December 15) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd).

Update on Seashore District Zoning Proposal

Discuss Protocol for Requesting Town Counsel Opinions

Review and Approval of Meeting Minutes:

- October 27 Joint Meeting with Board of Selectmen
- November 4, 2015 Planning Board meeting

Reports from Board Members and Staff

- Draft Agenda for Joint Meeting with Zoning Board of Appeals
- FY 2017 Planning Board Budget
- Liaison Assignments
- Other

Meeting Dates and *Other Important Dates:*

- December 7, 2014 – Joint Meeting with ZBA
- December 8, 2015 – Reg. Meeting
- December 22, 2015 – Reg. Meeting
- January 5, 2016 – Reg. Meeting
- January 19, 2016 – Reg. Meeting
- *January __, 2016 – Town Meeting Warrant Opens*

Adjourn



TOWN OF TRURO

®
Planning Department
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
criddle@truro-ma.gov

To: Planning Board
From: Carole Ridley
Date: November 11, 2015
Re: Definitive Subdivision Staff Report

2015-007PB Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81T and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53. The Application seeks approval of a single lot subdivision access to and egress from which will be served by a driveway located over a right of way as meeting the specifications set forth in a Judgment entered in the Commonwealth of Massachusetts Land Court.

The public hearing on the above referenced application is continued from October 6, 2015. The September 29th Staff Report prepared by Charleen Greenhalgh for the October 6th meeting is enclosed. The full application submitted by Fisher Road Realty Trust is available on the Planning Board website under documents for the November 18th meeting.

Additional information provided for November 18th:

Drainage calculations and Revised Hopper View Lane Plan Profile were received on October 8, 2015. Drainage calculations are enclosed with this packet. The profile plan was revised to include invert elevations. Copies of the revised profile plan are on file in the Planning Department office.

Letters of comment received from abutting property owners are enclosed following the September 29th staff report.



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
asstownadm@truro-ma.gov

To: Planning Board
From: Charleen Greenhalgh, ATA/Planner
Date: September 29, 2015
Re: Definitive Subdivision Staff Report

2015-007PB Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, Section 81T and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property known and numbered 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53. The Application seeks approval of a single lot subdivision access to and egress from which will be served by a driveway located over a right of way as meeting the specifications set forth in a Judgment entered in the Commonwealth of Massachusetts Land Court.

A Planning Board public hearing on this application is scheduled for October 6, 2015 at 6:10 pm. **Once the hearing is opened, the applicant or his representative must submit the certified mail receipts indicating that the abutters have been notified, before the hearing can proceed.**

Description

The applicant seeks approval what is ultimately a 1-Lot Definitive Subdivision Plan. A preliminary plan was not filed for the property, nor was one required.

Please refer to Tab A of the bound application ("Application") provided by Attorney Christopher Snow, who is representing Doctor Willie J. and Gloria J. Cater, Trustees of Fisher Road Realty Trust. This is an Introductory Statement, which provides the background and history of the property.

A cul-de-sac is shown on the Fisher Road Realty Trust property with access shown from a "way" over an easement running from Benson Road. This is shown on plans submitted to the Town Clerk on August 13, 2015, September 16, 2015 and September 17, 2015, as follows:

- 1) Definitive Subdivision Plan of Land prepared for Fisher Road Realty Trust, Deed book 22682, Page 84, Assessors Map 53, Parcel 50, Truro, MA, July 24, 2015, Scale 1" = 40' (Plan ols#155-1), dated and stamped by Donald T. Poole, PLS on September 14, 2015.

- 2) Topographic Plan of Land prepared for Doctor Willie J. and Gloria J. Cater, Assessors Map 53, Parcel 50, Truro, MA, April 22, 2009, Scale 1"=40' (Plans#155-1.)
- 3) Hopper's View Lane, Road Construction Plan, Prepared for Fisher Road Realty Trust, Outermost Survey, Inc. and Clark Engineering, LLC, dated 07-01-2013, latest revision date 09-15-15, scales as noted, Drawing No.: 0802010D, Sheet No.: 1.
- 4) Hopper's View Lane, Profile Plan, Prepared for Fisher Road Realty Trust, Outermost Survey, Inc. and Clark Engineering, LLC, dated 07-01-2013, latest revision date 09-15-15, scales as noted, Drawing No.: 0802010D, Sheet No.: 1.

Please note that the revised plans noted above replace the plans as shown in the application as Tab K (Subdivision Plan); Tab L (Hopper View Lane Construction Plan); and Tab M (Hopper View Lane Profile Plan.)

Three road names have been provided: Hopper View Lane, alternatively Cater Heights Road or Cater Hill Road. These can be found under Tab P of the application.

Waivers

A number of waivers have been requested. Please refer to Tab A (page 6) and Tab O of the Application for complete lists. In addition, per the revised Definitive Plan (Item 1 above) and a letter from Attorney Snow, dated September 16, 2015, waivers are also requested from the following:

- §2.5.2.b (1 & 28): requirement for a legend on the Definitive Plan.
- §2.5.2.b (30): requirement to show trees 10" in diameter or greater on the Definitive Plan.
- §2.5.2.b (31) requirement to show the location of ancient ways, historic walls, etc.

Completeness of Application

At this time it appears that the application as presented, relative to the plan requirements as specified in Section 2.5 the *Town of Truro Rules and Regulations Governing the Subdivision of Land* ("Regulations"), has been satisfied. Please refer to additional Planning Staff Comments below.

Fee - A filing fee of \$275.00 was paid on August 13, 2015.

Comments from Other Boards/Committees/Departments

Police: Please refer to the attached copy of a memo received back from Chief Kyle Takakjian on August 21, 2015.

Building: Please refer to the attached email from Building Commissioner Russ Braun, dated 08/18/2015.

Health/Conservation: Please refer to the attached memo from Patricia Pajaron dated August 26, 2015.

Fire: Please refer to the attached copy of a memo received back from Chief Brian Davis on September 1, 2015.

DPW: Please know that comments from the DPW Director Jay Norton will be available at the meeting.

Additional Planning Staff Comments

- A. If any Board Members have filed disclosures with the Town Clerk, they should state so once the hearing has been opened.
- B. The green return receipts must be filed with the Board, demonstrating that the abutters have been notified, prior to proceeding with the public hearing.
- C. The Board has the ability and authority to grant waivers from its Regulations; however, the Board cannot waiver provisions of the Zoning Bylaw.
- D. It appears that the 12-foot right-of-way easement as shown on the plan and as described in the many court documents does not meet the definition of "Street" in the Zoning Bylaw. It does not provide for a 40-foot right-of-way access to the proposed subdivision road.
- E. Although the past Planning Boards have approved and endorsed one-lot subdivisions, MGL c. 41, Section 81L defines a subdivision as a "division of a tract of land into two or more lots." As a State Law, this provision is not waivable. The Board needs to ask itself if a 1-Lot subdivision can be approved and ultimately endorsed.
- F. It appears that this area falls within the requirements of the Natural Heritage's Massachusetts Endangered Species Act (MESA). The applicants will need to file the necessary documents with MESA to determine if the project will result in a "take" or not. Because of the age of the lot, this may not be required; however the applicant should check with MESA. No construction of the way may begin until MESA has signed-off.
- G. A "Planning Board Covenant" and a "Statement of Conditions" has been noted on the plan; neither document has been provided for review.
- H. Per MGL c.41, §81U, the Board of Health reviewed and then approved the Definitive Subdivision at their meeting on September 16, 2015 as follows: the Board approved the subdivision plan with the condition that a site and sewage plan be prepared in accordance with 15.220 of Title 5, to include location of locus and abutting wells and septic components and be submitted to the Health Agent for review prior to construction of the road. In addition, the Board of Health held off endorsing the Definitive Plan until final approval is received from the Planning Board and that all conditions are noted on the plan.
- I. Per Attorney Snow's letter of September 16, 2015, the property has been staked.
- J. Town Counsel will be present at the October 6, 2015 meeting in the event that the Board has questions.

Board Options

Pursuant to MGL c.41, §81-U and §2.5 of the Truro Rules and Regulations the Planning Board must, within 135-days of submission of a Definitive plan, notify the applicant and the Town Clerk of its action. The time in which the Board has to file the decision with the Town Clerk is **December 25, 2015**. The Planning Board "shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the planning board or the recommendations of the health board or officer, shall modify and approve or shall disapprove such plan. In the event of disapproval, the planning board shall state in detail wherein the plan does not conform to the rules and regulations of the planning board or the recommendations of the health board or office and shall revoke its disapproval and approve a plan which, as amended conforms to such rules and regulations or recommendations."

Based on the above, the Board has the following options:

1. Move to approve the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53.
2. Move to approve the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land, for property located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53, with the following conditions and/or modifications: *(Note: need to state the conditions/modifications.)*
3. Move to deny approval of the Definitive Plan and method of road construction for Fisher Road Realty Trust, Doctor Willie J. and Gloria J. Cater, Trustees, as submitted and with the requested waivers, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land, for property located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53, based on the following findings: *(Note: need to state specific reasons for disapproval.)*
4. To continue the review of the Definitive Plan to a date and time certain. A waiver from the time period in which the Board has to file a decision would be necessary if continued to a date beyond **December 25, 2015**.



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
asstownadm@truro-ma.gov

TO: Patricia Pajaron, Health and Conservation
Brian Davis, Fire Department
Jay Norton, DPW Director
Kyle Takakjian, Police Chief *No Comments.*
Russ Braun, Building Commissioner
~~Lauren McKean, Cape Cod National Seashore~~ N/A

FROM: Charleen L. Greenhalgh, ATA/Town Planner

RE: Development Application Referral

DATE: August 17, 2015

Enclosed please find the Form C Application for Approval of A Definitive Plan for Fisher Road Realty Trust for the property located at 9B Benson Road, Assessor Map(s) 53, Parcel(s) 50 dated August 13, 2015. **The plans were sent to you all electronically on August 17, 2015.**

Tentatively, the Planning Board will discuss the plan on Tuesday, October 6, 2015. Please review the plans and respond with any comments by Friday, September 18, 2015. If you have any questions or need additional information, please contact Charleen Greenhalgh, Ext. 27.

Please return the Applications! Thanks!

RECEIVED
AUG 21 2015
BY: *AKH*

From: Russ Braun <rbraun@truro-ma.gov>
To: Charleen Greenhalgh <asstown@truro-ma.gov>
Date: 08/18/2015 10:33 AM
Subject: Re: Planning Board Application Filed

I have not reviewed the plans in detail regarding their compliance with the final court decision but I am sure you have done that and can guide the PB. I believe that a building permit will require zoning relief based on the criteria Judge Piper used in the Kline case. Even though the PB can grant waivers regarding road construction, the criteria that grant frontage to a parcel are quite rigid and don't necessarily jibe with what ever waivers the PB might grant.

Russell Braun
Building Commissioner
Town of Truro

From: Charleen Greenhalgh [mailto:asstown@truro-ma.gov]
To: Pat Pajaron [mailto:healthagent@truro-ma.gov], Jay Norton [mailto:dpwdirec@truro-ma.gov], Kyle Takakjian [mailto:Takakjian@truropolice.org], Russ Braun [mailto:rbraun@truro-ma.gov], Brian Davis [mailto:chief@truofirerescue.org]
Sent: Mon, 17 Aug 2015 14:47:48 -0500
Subject: Planning Board Application Filed

Hi All -

Attached please find a copy of the plans for the Fisher Road Realty Trust Subdivision Plan. In your boxes here at Town Hall you will find copies of the application with my referral memo. Sorry I am not emailing you the entire application, but it is much too large to send electronically.

It is really important that I receive the Hard Copies of the application back. It is many pages, and I don't want to have to make copies. Thanks!

If you have any questions, please let me know.

Thanks,
Charleen

Charleen L. Greenhalgh
Assistant Town Administrator and Town Planner
Town of Truro
P.O. Box 2030
Truro, MA 02666
508-349-7004 x-27
508-349-5505 Fax
asstownadm@truro-ma.gov



Health/Conservation Agent
Town of Truro
Phone: (508) 349-7004 ext. 32

MEMO

To: Charleen Greenhalgh, ATA/Town Planner
From: Patricia Pajaron *PP*
CC:
Date: August 26, 2015
Re: **Definitive Subdivision Plan Review, 9B Benson Rd**

RECEIVED
AUG 27 2015
BY: *CJA*

The applicants seek approval of a 1 3.46 acre lot subdivision. I have reviewed the Definitive Subdivision Plan of Land prepared for Fisher Road Realty Trust, by Donald T. Poole, P.L.S. of Outermost Land Survey Inc. dated May 13, 2013 and the Hopper's View Lane Road Construction Plan prepared for Fisher Road Realty Trust by Clark Engineering for the construction of a road layout and offer the following comments:

**Note: Both site plans are not stamped by the engineer and/or land surveyor.*

CONSERVATION

1. A portion of the proposed retaining wall and limit of clearing are just within the 100 foot buffer zone to a coastal bank which will require a filing with the Conservation Commission.
2. Per the NHESP map dated October 2008, it appears that the entire lot is in the Estimated Habitat of Rare Wildlife therefore NHESP review will be required for the proposed work.

HEALTH

1. The site plan only shows a road layout at this time. Should the applicant construct a dwelling in the future, only buildable upland* area shall be used for nitrogen loading limitations (440 gallons per day per acre) unless a variance is granted by the Board of Health to include the coastal bank in the nitrogen loading calculations.
2. The proposed road crosses over the leach pit for a septic system that serves 9 Benson Road, Map 53, Parcel 52. Per the site and sewage plan on file with this department for this property, the leach pit is not designed for H-20 loading to withstand heavy loading or vehicular traffic. A site and sewage plan shall be prepared in accordance with 15.220 of Title 5, to include location of locus and abutting wells and septic components and be submitted to the Health Agent for review prior to construction of the road. In addition, the new soil absorption system must be designed to current Title 5 regulations.

**Article 1 defines Buildable Upland as area of contiguous upland on a lot exclusive of a Wetland. A Wetland as defined shall mean "any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayments, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes*

1. The site plan only shows a road layout at this time. Should the applicant construct a dwelling in the future, only buildable upland shall be used for nitrogen loading limitations (440 gallons per day per acre) unless a variance is granted by the Board of Health.

**Note: the site plan entitled "Hopper's View Lane Road Construction" prepared by Clark Engineering Inc. and Outermost Land Survey Inc. dated July 1, 2013 with a most recent revision date of December 6, 2013 is not stamped by the engineer and land surveyor.*

****Article 1 defines Buildable Upland as area of contiguous upland on a lot exclusive of a Wetland. A Wetland as defined shall mean "any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayments, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes".***



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
assttownadm@truro-ma.gov

TO: Patricia Pajaron, Health and Conservation
Brian Davis, Fire Department
Jay Norton, DPW Director
Kyle Takakjian, Police Chief
Russ Braun, Building Commissioner
~~Lauren McKean, Cape Cod National Seashore~~ N/A

FROM: Charleen L. Greenhalgh, ATA/Town Planner

RE: Development Application Referral

DATE: August 17, 2015

RECEIVED
SEP 1 2015
BY: *CTH*

*No comments or
Concerns*

Enclosed please find the Form C Application for Approval of A Definitive Plan for Fisher Road Realty Trust for the property located at 9B Benson Road, Assessor Map(s) 53, Parcel(s) 50 dated August 13, 2015. **The plans were sent to you all electronically on August 17, 2015.**

Tentatively, the Planning Board will discuss the plan on Tuesday, October 6, 2015. Please review the plans and respond with any comments by Friday, September 18, 2015. If you have any questions or need additional information, please contact Charleen Greenhalgh, Ext. 27.

Please return the Applications! Thanks!

Willie J. Cater, MD, Trustee
Gloria J. Cater, Trustee
Fisher Road Realty Trust
559 Chestnut Hill Avenue
Brookline, Massachusetts 02445

August 13, 2015

Charlene L. Greenhalgh
Assistant Town Administrator/Town Planner
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

Re: Definitive Subdivision Plan for Fisher Road Realty Trust

Dear Ms. Greenhalgh:

I am writing to you as a Trustee of the Fisher Road Realty Trust, record owner of real property located at 9B Benson Road, Truro concerning an Application For Approval Of A Definitive Plan filed with the Truro Town Clerk's office.

Please be advised that the Trustees of the Trust have designated Christopher J. Snow, Esq. and Ronald E. Friese, Esq. of The Law Offices of Snow and Snow in Provincetown as our legal counsel and representatives in this matter and they are authorized to act on our behalf in executing and submitting the definitive plan application and representing the Trust before the Truro Planning Board and all other town board and officials concerning this matter.

Thank you for your attention to this matter.

Very truly yours,



Willie J. Cater, Trustee
Fisher Road Realty Trust

LAW OFFICES OF
SNOW AND SNOW
90 HARRY KEMP WAY
POST OFFICE BOX 291
PROVINCETOWN, MASSACHUSETTS 02657
OFFICE@SNOWANDSNOWLAW.COM
WWW.SNOWANDSNOWLAW.COM

JOHN CLIFFORD SNOW (1920-1985)
CHRISTOPHER J. SNOW
RONALD E. FRIESE

TELEPHONE
(508) 487-1160
487-1980
3938.001 FAX: 487-2694
REFER TO FILE NO.

August 13, 2015

Via Hand Delivery

Cynthia A. Slade, Town Clerk
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

**Re: Fisher Road Realty Trust, Willie J. Cater & Gloria J. Cater, Trustees
Application For Approval Of Definitive Plan
9B Benson Road, Truro, Massachusetts**

Dear Ms. Slade:

In accordance with the Town of Truro Rules and Regulations Governing the Subdivision of Land, enclosed please find the following:

1. Twelve (12) copies of an Application For Approval Of Definitive Plan which includes a number of Exhibits, including an Introductory Statement, Plan of Subdivision, Road Plans and Abutters' List;
2. Notice of Filing;
3. Two (2) sets of full-sized Plans;
4. Computer disk with plans in .pdf format;
5. Copy of cover correspondence to Truro Board of Health providing copy of Application;
6. Copy of cover correspondence to Truro Assistant Town Administrator/Town Planner Charleen Greenhalgh from Willie J. Cater, a Trustee of Fisher Road Realty Trust authorizing this office to represent the Trust's interests in this matter; and

Cynthia A. Slade, Town Clerk
Town of Truro
August 13, 2015
Page 2

7. Check made payable to the Town of Truro in the amount of \$275.00 representing the filing fee.

If all is in order, please schedule this matter for a public hearing at the **Tuesday, September 22, 2015** meeting of the Truro Planning Board.

Thank you for your attention to this matter and please contact me if you should have any questions.

Very truly yours,



Christopher J. Snow

CJS:r
Encs.

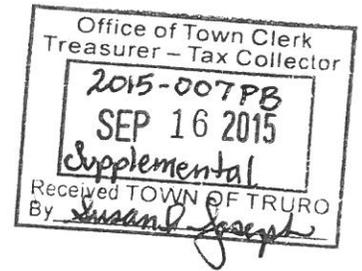
cc: Willie J. Cater, M.D., Trustee (w/encs.)
Charleen Greenhalgh, Truro Asst. Town Administrator/Town Planner (w/encs #2)

NOTICE

Notice is hereby given that on **August 13, 2015**, Fisher Road Realty Trust, Willie J. Cater and Gloria J. Cater, Trustees has filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro with respect to their property known and numbered 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53. The Application seeks approval of a single lot subdivision access to and egress from which will be served by a driveway located over a right of way as meeting the specifications set forth in a Judgment entered in the Commonwealth of Massachusetts Land Court on February 4, 2013.

LAW OFFICES OF
SNOW AND SNOW
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JOHN CLIFFORD SNOW (1920-1985)
CHRISTOPHER J. SNOW
RONALD E. FRIESE



TELEPHONE
(508) 487-1160
487-1980
3938.001 FAX: 487-2694

REFER TO FILE NO.

September 16, 2015

Via Hand Delivery

Charleen Greenhalgh, Assistant Town Administrator/Planner
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

**Re: Fisher Road Realty Trust, Willie J. Cater & Gloria J. Cater, Trustees
Application For Approval Of Definitive Plan 2015-007PB**

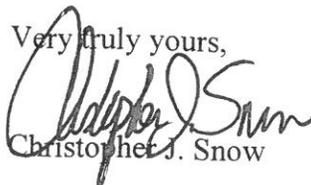
Dear Ms. Greenhalgh:

In furtherance of your September 8, 2015 correspondence concerning the above matter, enclosed please find the following:

1. Twelve (12) copies of a revised Definitive Plan;
2. Two (2) copies of a 1" = 100' scale plan; and
4. Four (4) copies of a topographic survey.

Additionally, there are no trees 10" in diameter or greater that need to be shown on the plan nor are there any ancient ways or historic walls to be identified on the plan. A legend has not been provided as one is not necessary for this plan. The subdivision has been staked on the ground.

Thank you for your attention to this matter and please contact me if you should have any questions.

Very truly yours,

Christopher J. Snow

CJS:r

Encs.

cc: Willie J. Cater, M.D., Trustee (w/o encs.)
Patricia Pajaron, Health Agent (w/encs #1 & 2)

- Plan Note:
- 1) No Lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the rules and Regulations governing the Subdivision of Land have been met.
 - 2) All utilities shall be underground.
 - 3) Zoning District + Residential
 - 4) Owner: Fisher Road Realty Trust
559 Chestnut Hill Avenue
Brookline MA 02146
 - 5) Concrete bounds to be set as required by the Truro Planning Board.
 - 6) There are not any ancient ways or historic walls to be identified on this plan.
 - 7) A legend has not been provided because one is not necessary for this plan.

Approx. Flood Zone 1929
Elev: 16 NGVD 1929

Button Hill Realty Trust
John M. & Nancy O. Thornley, Trustees
#10 Thornley Meadow Road
Deed Book 9503, Page 165
Assessors Map 53, Parcel 87
Lot 4 Plan Book 498, Page 36

S 82°02'40" E 475±

N07°57'26" E 293.00'

N82°02'34" W 215.10'
350± to top of bank

Cape Cod Bay (tidal)
Approx. Mean High Water

Approx. Bottom of Bank

Top of Bank
180± BY TOP OF BANK

S 65°10'02" E



I hereby certify that this plan was prepared in conformance with the Regulations of the Registry of Deeds as adopted Jan 1, 1976, and amended Jan 7 1988.

Donald T. Poole PLS #32662 Date _____

Truro Conservation Trust
#9-A Benson Road
Deed Book 21988, Page 71
Assessors map 53, Parcel 56

Iron pipe found, 11/3/95

I, _____, Clerk of the Town of Truro, hereby certify that the notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the next 20 days after such receipt and recording of said notice.

Truro Town Clerk



Lot 1
3.46 ACRES (150,720 SF±) Total Lot area to Mean High Water (approximate) (2.02 ACRES, (87,990 SF±, To Top of bank or 58% of the Total Lot Area)

Truro Board of Health Approval Date _____

Statement of Conditions of Planning Board Approval Dated: _____ and recorded herewith See Planning Board Covenant dated _____

Approval Required
Truro Planning Board
Application Date _____ Date Approved _____ Date of Endorsement _____

For Registry Use only

S86°20'05" W 151.50'

Cabot-Clark-Fox Real Estate Tru
#0 Benson Road Road
Deed Book 9328, Pages 145 to 1
Assessors Map 53, Parcel 88
Plan Book 499, Page 79

Iron pipe found, 11/3/95

S86°19'36" W 136.77'

Centerline of Easement

Area of Cul-De-Sac
6.64653± F.O.15 Acs
or 0.04% of Total Lot Area

S 79°16'57" W 85.90'

Hopper's View Lane (private way)

S 29°20'42" W 118.28'

R=40.00'
A=160.53'

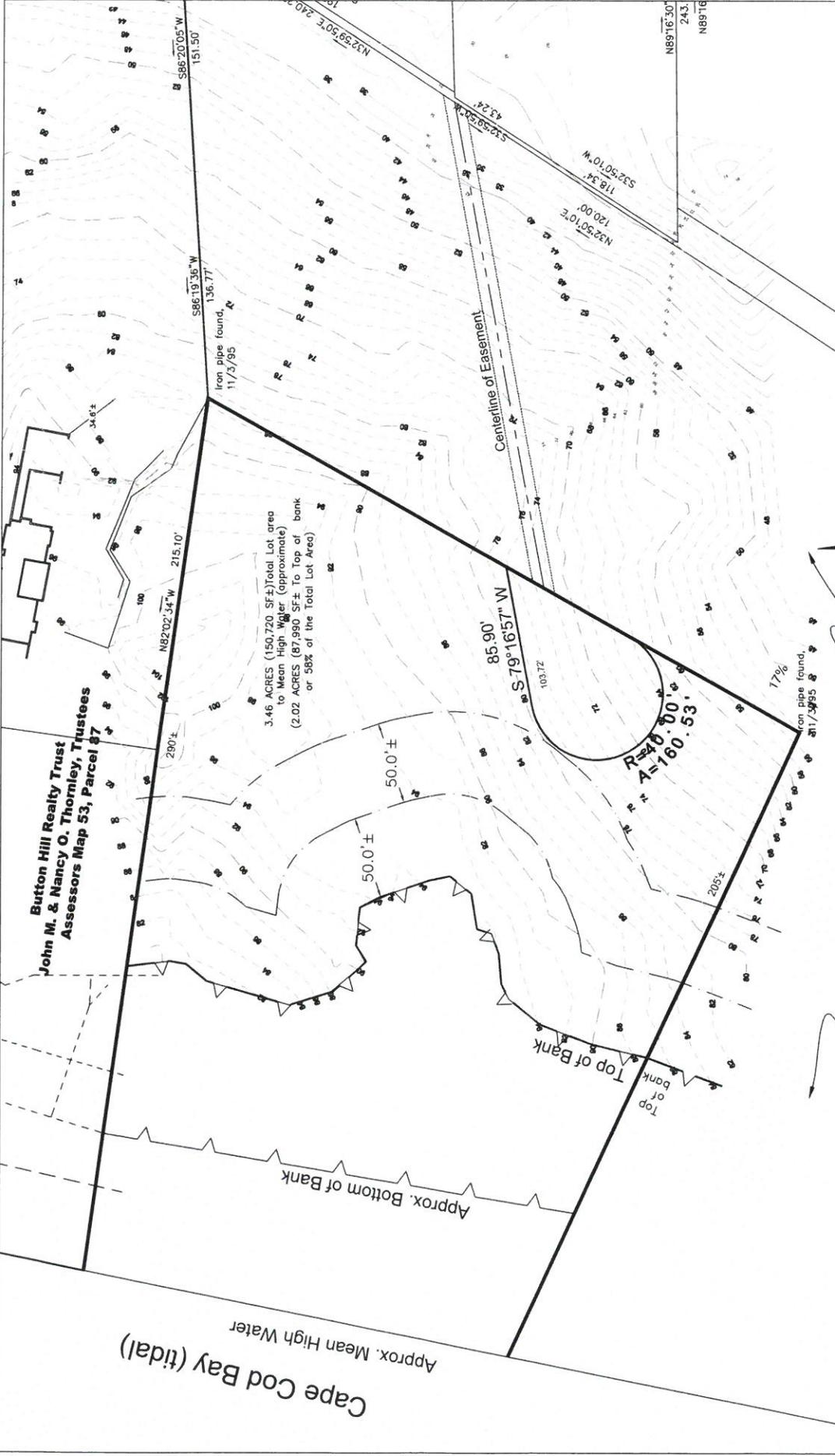
220± to top of bank

Iron pipe found, 11/3/95

Steven Lofredo & Helen Hershkoff
#9 Benson Road Road
Deed Book 21930, Page 94
Assessors Map 53, Parcel 52
Plan Book 264, Page 13

Cabot-Clark-Fox Real Estate Trust
#0 Benson Road Road
Deed Book 9328, Pages 145 to 149
Assessors Map 53, Parcel 89
Plan Book 499, Page 79

Definitive Subdivision Plan of Land
prepared for
Fisher Road Realty Trust
Deed Book 22682, Page 84
Assessors Map 53, Parcel 50
Truro, MA
July 24, 2015 Scale 1"=40'
ols#155-1



Topographic Plan of Land
 prepared for
Doctor Willie J. and Gloria J. Cater
Assessors Map 53, Parcel 50
Truro, MA
April 22, 2009 Scale 1"=40'
ols#155-1

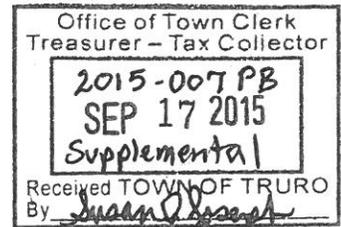


Truro Conservation Trust
Assessors map 53, Parcel 56



LAW OFFICES OF
SNOW AND SNOW
90 HARRY KEMP WAY
POST OFFICE BOX 291
PROVINCETOWN, MASSACHUSETTS 02657
OFFICE@SNOWANDSNOWLAW.COM
WWW.SNOWANDSNOWLAW.COM

JOHN CLIFFORD SNOW (1920-1985)
CHRISTOPHER J. SNOW
RONALD E. FRIESE



TELEPHONE
(508) 487-1160
487-1980

3938.001 FAX: 487-2694

REFER TO FILE NO.

September 17, 2015

Via Hand Delivery

Cynthia A. Slade, Town Clerk
Town of Truro
Truro Town Hall
P.O. Box 2030
Truro, Massachusetts 02666

**Re: Fisher Road Realty Trust, Willie J. Cater & Gloria J. Cater, Trustees
Application For Approval Of Definitive Plan – Case No. 2015-007PB**

Dear Ms. Slade:

Enclosed for filing in the above-referenced case pending before the Truro Planning Board, please find the following:

1. Twelve (12) copies of a revised Hopper's View Lane Road Construction Plan; and
2. Twelve (12) copies of a revised Hopper's View Lane Profile Plan.

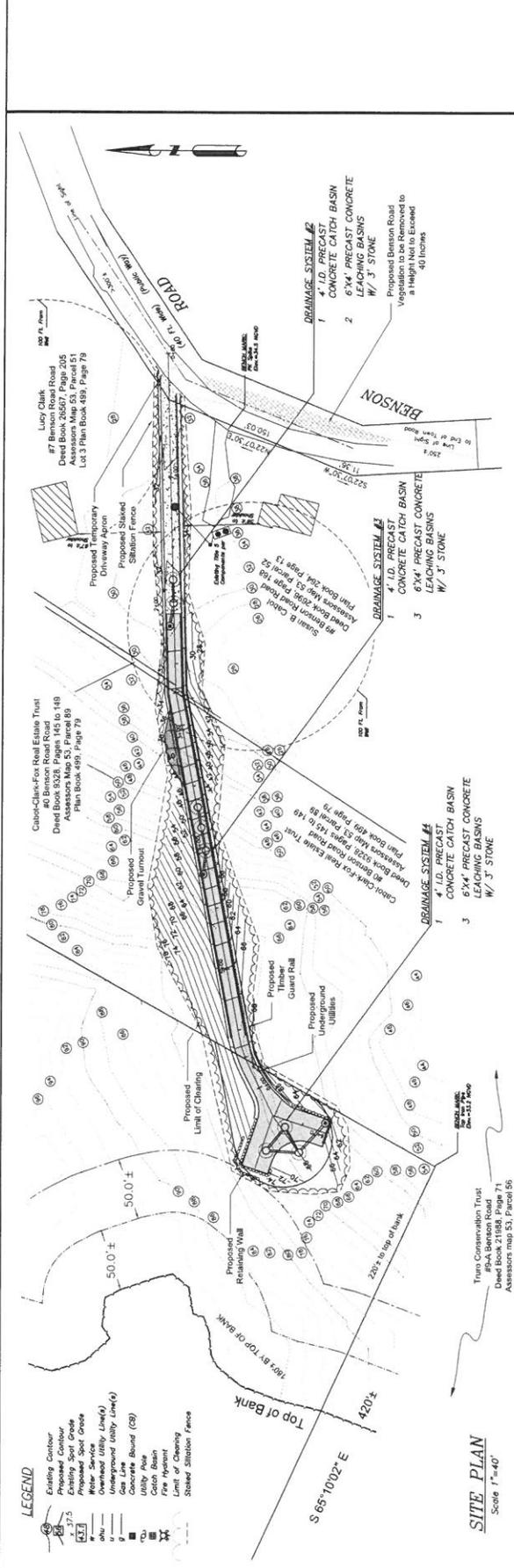
Thank you for your assistance and please contact me if you should have any questions.

Very truly yours,

Christopher J. Snow

CJS:r
Encs.

cc: Willie J. Cater, M.D., Trustee (w/o encs.)



LEGEND

- Existing Contour
- Proposed Contour
- Existing Spot Grade
- Water Service
- Overhead Utility Line(O)
- Underground Utility Line(U)
- Concrete Bound (CB)
- Utility Pole
- Catch Basin
- Limit of Clearing
- Staked Station Fence

SITE PLAN
Scale 1"=40'

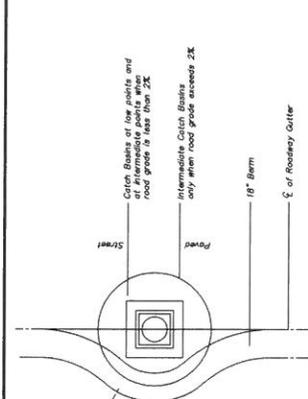
**HOPPER'S VIEW LANE
ROAD CONSTRUCTION
PLAN**
Prepared For
**FISHER ROAD
REALTY TRUST**

OUTERMOST LAND SURVEY, INC.
1904 Main Street, Westchester, MA 03081
Tel.: (603) 285-0477; Fax: (603) 255-0577

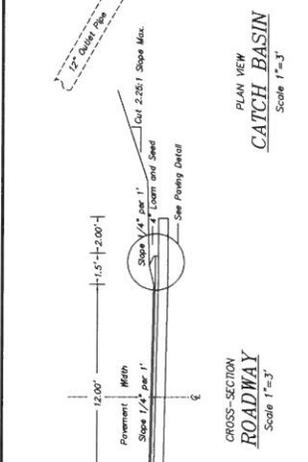
CLARK ENGINEERING LLC
156 Crowell Road Suite B, Chatham, MA 02633
Tel.: (508) 346-5464; Fax: (508) 346-5468

Rev. #	Description of Revision	Date
1	Original Road Name	17-09-13
2	Adjusted station to true NCD, added new concrete catch basins	01-11-14
3	Revised driveway to 18" removed curb on site, added turning van, removed limits of clearing & grading	04-27-14
4	Revised concrete curb to match revised plan new grading to match	07-14-15
5	Revised limits of right-of-way to match revised plan	07-15-15

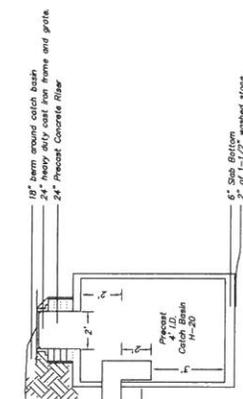
Date: 07-01-2013
Drawing No: 08020100
Scale: SEE PLAN
Sheet No. 1



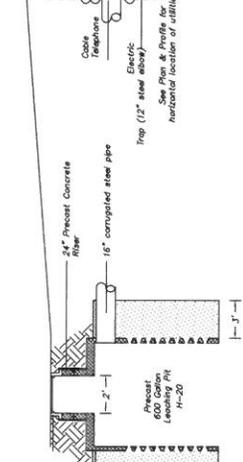
**PLAN VIEW
CATCH BASIN**
Scale 1"=3'



**CROSS-SECTION
ROADWAY**
Scale 1"=3'



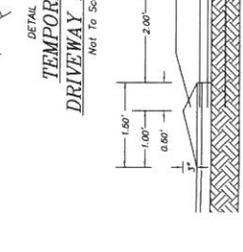
**CROSS-SECTION
CATCH BASIN**
Scale 1"=3'



**CROSS-SECTION
LEACHING PIT**
Not To Scale



**DETAIL
TEMPORARY
DRIVEWAY APRON**
Not To Scale



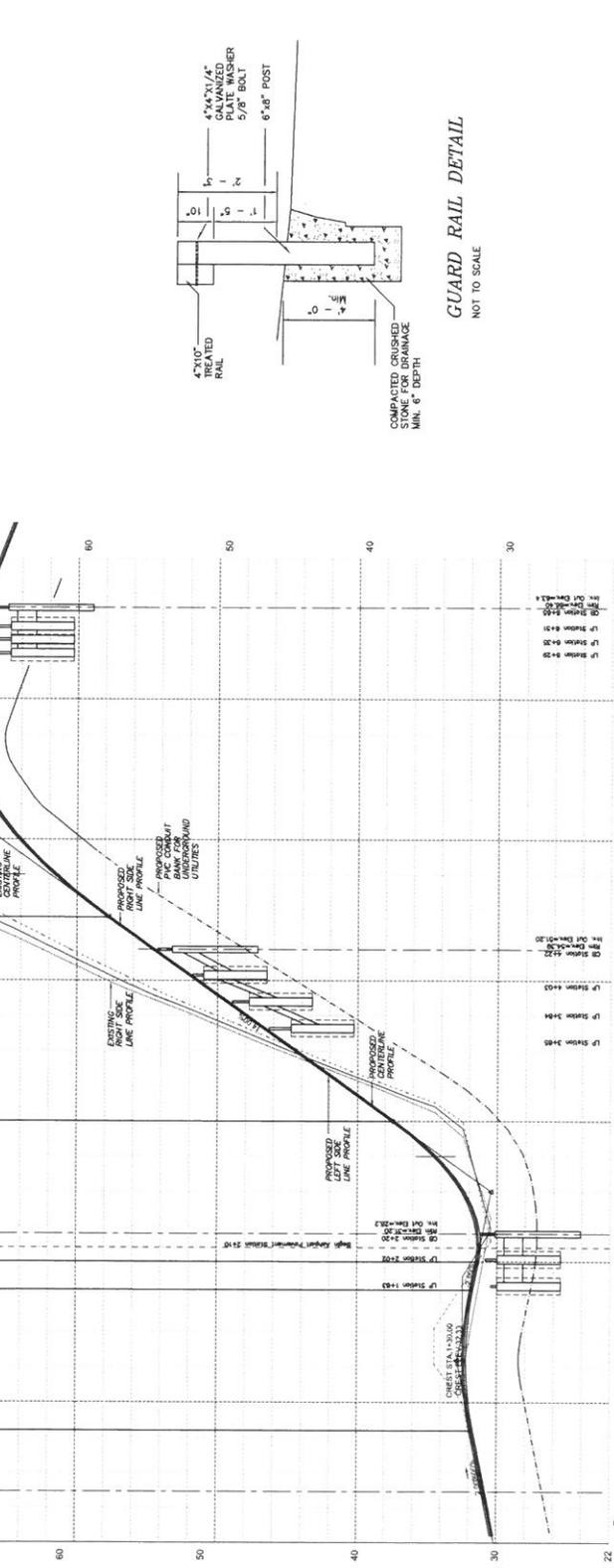
**DETAIL
PAVING**
Scale 1"=1'

SUBDIVISION ROAD CONSTRUCTION WAIVERS

- TOWN OF TRURO SUBDIVISION REGULATIONS
- Section 3.6.7 Adjacent Property: 26 ft. vegetative screening required
 - Section 3.6.8 Table 1 Roadway Standards: 8 1/2 ft. provided
 - Roadway Width 14 ft. required: 12 ft. provided
 - Roadway Shoulder 4 ft. required: 2 ft. provided
 - Dead End Street Turnaround 40 ft. Radius required: Turning tee provided

ACCESS RIGHT OF WAY DEFICIENCIES

- Section 3.6.8 Table 1 Roadway Standards
- Roadway Width 14 ft. required: 12 ft. provided
 - Roadway Shoulder 4 ft. required: 2 ft. provided
 - Roadway Slope 8% Minimum: 7% proposed
- Section 3.6.2 Curb Cuts
- Negative Grade from Access Street Required
 - Positive grade proposed to limit stormwater runoff
 - Proposed curb cut to be installed around surface proposed to mitigate stormwater runoff



HOPPER'S VIEW LANE
SCALE: HORIZONTAL 1"=40'
VERTICAL 1"=4'

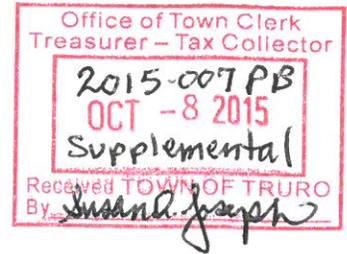
Rev.	Description of Revision	Date
1	Changed Road Name	12-08-13
2	Adjusted Datum to Base ROP	03-31-14
3	Added notes for stormwater management	03-31-14
4	Added notes for drainage	04-25-14
5	Added notes for drainage	07-14-15
6	Added notes for drainage	09-15-15

Date: 07-01-2015
Scale: SEE PLAN
Drawing No.: 08020100
Sheet No.: 1

OUTERMOST LAND SURVEY, INC.
390 Main Street, Brewster, MA 02633
Tel.: (508) 265-9477; Fax: (508) 265-0877

CLARK ENGINEERING LLC
156 Grayell Road Suite B, Chatham, MA, 02633
Tel.: (508) 946-5464; Fax: (508) 946-5468

HOPPER'S VIEW LANE
PROFILE
PLAN
Prepared For
FISHER ROAD
REALTY TRUST



**HOPPER'S VIEW LANE
DRAINAGE CALCULATIONS**

PREPARED FOR

**FISHER ROAD REALTY TRUST
Truro, MA**

DATE

July 20, 2015



Prepared By:

**Clark Engineering LLC
156 Crowell Road, Suite B
Chatham, MA 02633
Tel: 508-945-5454
Fax: 508-945-5458**

DRAINAGE CALCULATIONS

Using the
RATIONAL METHOD
to determine peak flow for sizing pipes
Q=CiA

- Q - Peak runoff** rate in cubic feet per second, (cfs), due to maximum storm of a given frequency for sizing leaching facility.
- C- Coefficient of runoff** is the percentage of precipitation that runs off, based on soil type, vegetative cover or developed surface and slope.
- I- Rainfall intensity**, in inches per hour. Rainfall intensity is determined from the Barnstable Rainfall Intensity Duration Frequency Chart provided by Mass Highway. It is assumed that for small parking facilities that the **Time of Concentration** would be less than 0.1 hours (6 min) therefore a maximum rainfall intensity for a 50 year storm event would be used. The rainfall intensity used is **I= 6.9 in/hr.**
- A- Area** of watershed or drainage basin.

DRAINAGE CALCULATIONS

*Using
TR55
to determine runoff volumes*

Q - Peak runoff expressed in inches.

$$Q = \frac{(P-0.2S)^2}{(P+0.8S)}$$

CN- Curve Number based upon soil type, vegetative cover or developed surfaces.

S- Potential maximum retention of precipitation.

$$S = \frac{1000}{CN} - 10$$

P- **Precipitation** expressed in inches. (6.97 in. 50 year 24 hour storm)

Exhibit 8-13

Intensity - Duration - Frequency Curve for Barnstable, MA

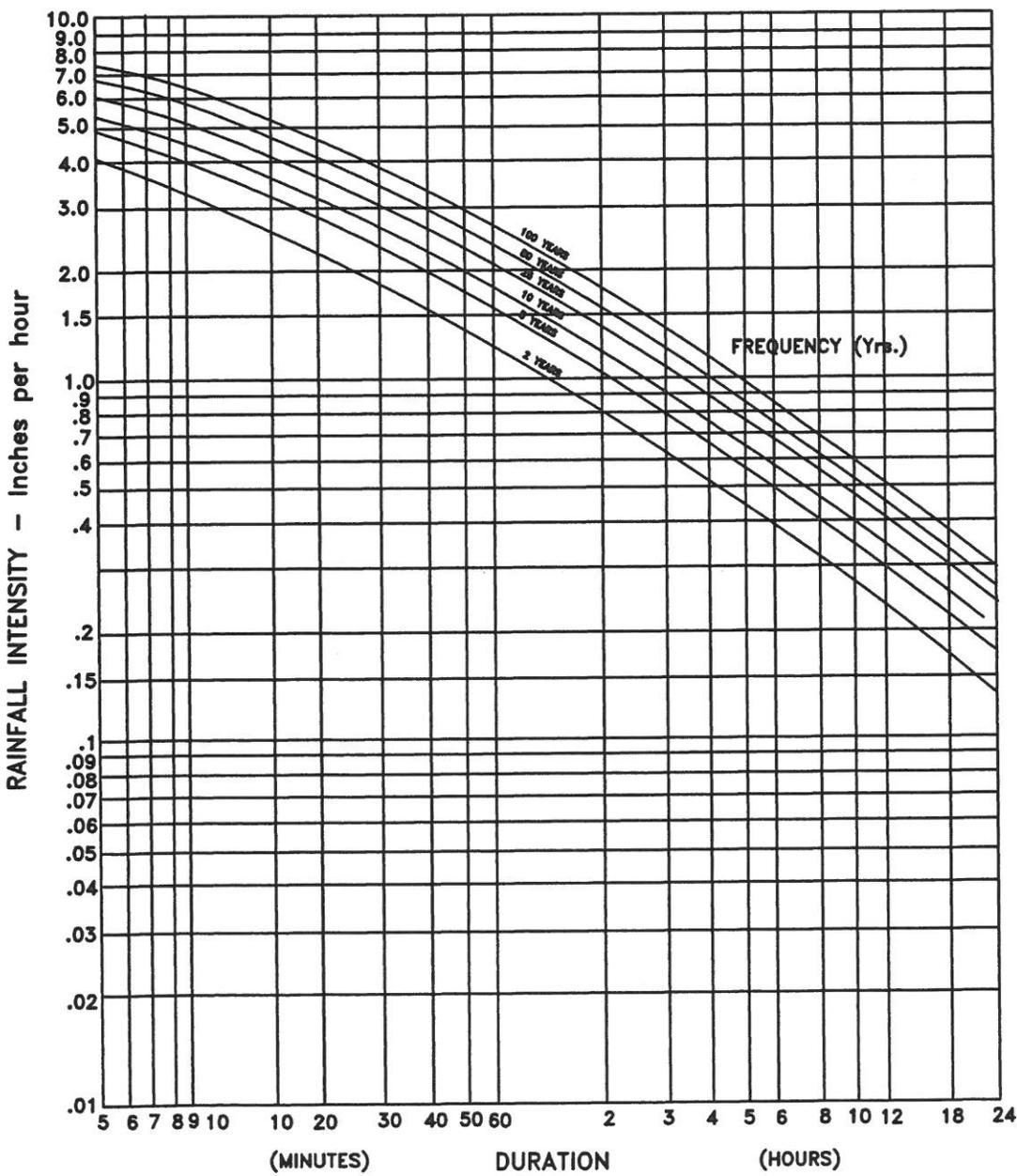


FIGURE 1

System #

2

50 Year Storm = 6.97 in

Rational Method to Determine Peak Discharge for Sizing Pipes and Catch Basins

1. Area of contribution (A)

Impervious area	(A1) = 2,870 S.F.	0.066 Acres
Gravel Parking	(A2) = 0 S.F.	0.000 Acres
Pervious area (Landscaped Areas)	(A3) = 13,700 S.F.	0.315 Acres
Total	(A) = 16,570 S.F.	0.380 Acres

2. Coefficient of runoff

		TR 55 Curve No.
Impervious area	(C1) = 0.90	CN1 = 98
Gravel Parking	(C2) = 0.45	CN2 = 72
Landscaped Areas	(C3) = 0.25	CN3 = 30

3. Composite coefficient of runoff [C]

$$= [(A1 \times C1) + (A2 \times C2) + (A3 \times C3)] / \text{Total Area}$$
$$= 0.363$$

4. Rainfall intensity (I) from chart

$$= 6.90 \text{ inches per hour}$$

5. Average Runoff (Q) = CIA in cubic feet per second (cfs)

$$= 0.363 \times 6.900 \text{ in/hr} \times 0.380 \text{ Ac.}$$
$$= 0.95 \text{ cfs}$$

6. Composite Curve Number CN

$$= 42$$

7. Potential Maximum Retention S = 1000/CN-10

$$= 13.94$$

9. Runoff Q = $(P-0.2S)^2 / (P+0.8S)$

$$= 0.97$$

10. Runoff Volume = Area x Runoff

$$= 1,333 \text{ cf}$$

11. Design for peak 1 hr Type III Storm or
40.4% of total runoff. = 539 cf

Proposed System

Diameter of Leaching Pit = 6 ft
Depth of Leaching Pit = 6.0 ft
Amount of Stone = 3.0 ft
Number of Pits = 2
Storage Capacity of System = 826 cf
Leaching Area Provided (include sidewall) = 716 sf
Infiltration Rate of Soils = 8.27 in/hr
Infiltration rate of System = 493 cf/hr
During Peak 1 hr total excess runoff = (781) cf

Pavement & Catch Basin Design Check

Peak discharge = 0.95 cfs
Slope of roadway = 0.14 ft/ft
Mannings Coefficient = 0.013
Depth of flow within gutter line to produce
peak flow (Mannings Equation trial & error) = 1.00 in
Area = 0.19 sf
Flow = 0.97 cfs
Velocity = 5.15 fps

HIGH CAPACITY GRATE REQUIRED

Velocity of less than 5 fps required to
minimize "skip" over catchbasin grate

System # **3**

50 Year Storm = 6.97 in

Rational Method to Determine Peak Discharge for Sizing Pipes and Catch Basins

1. Area of contribution (A)

Impervious area	(A1) = 2,150 S.F.	0.049 Acres
Gravel Parking	(A2) = 0 S.F.	0.000 Acres
Pervious area (Landscaped Areas)	(A3) = 22,250 S.F.	0.511 Acres
Total	(A) = 24,400 S.F.	0.560 Acres

2. Coefficient of runoff

TR 55 Curve No.

Impervious area	(C1) = 0.90	CN1 = 98
Gravel Parking	(C2) = 0.45	CN2 = 72
Landscaped Areas	(C3) = 0.25	CN3 = 30

3. Composite coefficient of runoff [C]

$$= [(A1 \times C1) + (A2 \times C2) + (A3 \times C3)] / \text{Total Area}$$
$$= 0.307$$

4. Rainfall intensity (I) from chart = 6.90 inches per hour

5. Average Runoff (Q) = CIA in cubic feet per second (cfs)

$$= 0.307 \times 6.900 \text{ in/hr} \times 0.560 \text{ Ac.}$$
$$= 1.19 \text{ cfs}$$

6. Composite Curve Number CN = 36

7. Potential Maximum Retention S = 1000/CN-10

$$= 17.78$$

9. Runoff Q = $(P - 0.2S)^2 / (P + 0.8S)$ = 0.55

10. Runoff Volume = Area x Runoff = 1,117 cf

11. Design for peak 1 hr Type III Storm or
40.4% of total runoff. = 451 cf

Proposed System

Diameter of Leaching Pit = 6 ft
Depth of Leaching Pit = 6.0 ft
Amount of Stone = 3.0 ft
Number of Pits = 3
Storage Capacity of System = 1,239 cf
Leaching Area Provided (include sidewall) = 1,074 sf
Infiltration Rate of Soils = 8.27 in/hr
Infiltration rate of System = 740 cf/hr
During Peak 1 hr total excess runoff = (1,527) cf

Pavement & Catch Basin Design Check

Peak discharge = 1.19 cfs
Slope of roadway = 0.14 ft/ft
Mannings Coefficient = 0.013
Depth of flow within gutter line to produce
peak flow (Mannings Equation trial & error) = 1.09 in
Area = 0.22 sf
Flow = 1.20 cfs
Velocity = 5.43 fps
HIGH CAPACITY GRATE REQUIRED
Velocity of less than 5 fps required to
minimize "skip" over catchbasin grate

System # **4**

50 Year Storm = **6.97 in**

Rational Method to Determine Peak Discharge for Sizing Pipes and Catch Basins

1. Area of contribution (A)

Impervious area	(A1) = 2,390 S.F.	0.055 Acres
Gravel Parking	(A2) = 0 S.F.	0.000 Acres
Pervious area (Landscaped Areas)	(A3) = 17,910 S.F.	0.411 Acres
Total	(A) = 20,300 S.F.	0.466 Acres

2. Coefficient of runoff

		TR 55 Curve No.
Impervious area	(C1) = 0.90	CN1 = 98
Gravel Parking	(C2) = 0.45	CN2 = 72
Landscaped Areas	(C3) = 0.25	CN3 = 30

3. Composite coefficient of runoff [C]

$$= [(A1 \times C1) + (A2 \times C2) + (A3 \times C3)] / \text{Total Area}$$
$$= **0.327**$$

4. Rainfall intensity (I) from chart = **6.90** inches per hour

5. Average Runoff (Q) = CIA in cubic feet per second (cfs)

$$= **0.327** \times **6.900** \text{ in/hr} \times **0.466** \text{ Ac.}$$
$$= **1.05** \text{ cfs}$$

6. Composite Curve Number CN = **38**

7. Potential Maximum Retention S = 1000/CN-10

$$= **16.31**$$

9. Runoff Q = $(P - 0.2S)^2 / (P + 0.8S)$ = **0.69**

10. Runoff Volume = Area x Runoff = **1,162** cf

11. Design for peak 1 hr Type III Storm or
40.4% of total runoff. = 469 cf

Proposed System

Diameter of Leaching Pit = 6 ft
Depth of Leaching Pit = 6.0 ft
Amount of Stone = 3.0 ft
Number of Pits = 3
Storage Capacity of System = 1,239 cf
Leaching Area Provided (include sidewall) = 1,074 sf
Infiltration Rate of Soils = 8.27 in/hr
Infiltration rate of System = 740 cf/hr
During Peak 1 hr total excess runoff = (1,510) cf

Pavement & Catch Basin Design Check

Peak discharge = 1.05 cfs
Slope of roadway = 0.04 ft/ft
Mannings Coefficient = 0.013
Depth of flow within gutter line to produce
peak flow (Mannings Equation trial & error) = 1.31 in
Area = 0.32 sf
Flow = 1.05 cfs
Velocity = 3.29 fps

Velocity of less than 5 fps required to
minimize "skip" over catchbasin grate

Printable Title

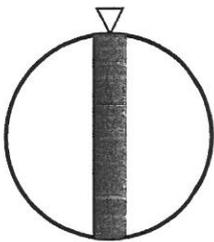
12 in pipe flowing full at 1 %

Set units: m mm ft inches

Pipe diameter, d_0	1 ft ▼
Manning roughness, n ?	.022
Pressure slope (possibly ? equal to pipe slope), S_0	.01 rise/run ▼
Percent of (or ratio to) full depth (100% or 1 if flowing full)	1 fraction ▼

Results

Flow, q	2.1051	cfs ▼
Velocity, v	2.6804	ft/sec ▼
Velocity head, h_v	0.1117	ft ▼
Flow area	0.7854	ft ² ▼
Wetted perimeter	3.1416	ft ▼
Hydraulic radius	0.2500	ft ▼
Top width, T	0.0000	ft ▼
Froude number, F	0.00	
Shear stress (tractive force), τ	0.6244	psf ▼



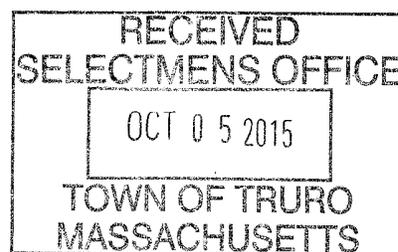
FAX COVER SHEET

To: Charleen Greenhalgh
Town of Truro
Assistant Town Administrator
(508) 349-5505

From: Stephen Loffredo

Re: Statement for Submission to Planning Board Regarding
October 6, 2015 Hearing on Fisher Road Realty Trust
Application

Date: October 5, 2015



**Stephen Loffredo
Helen Hershkoff**

October 5, 2015

By Email and Fax: (508) 349-5505

Truro Planning Board
Truro Town Hall
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

Re: Definitive Subdivision Plan Application of Fisher Road Realty Trust

Dear Members of the Board:

We are the owners of 9 Benson Road, Truro, MA, a property over which the road proposed in this application would run. We are unable to appear in person for the hearing of this matter on October 6 due to our teaching obligations at law schools in New York City. Please accept these written comments in lieu of testimony.

1. The Board should not consider this application unless and until the Applicant secures the zoning variances and other permissions needed for construction of a house on its lot. The Applicant's construction plan depicts a roadway that will forever alter pristine, environmentally sensitive land. It will cut a broad and deep swath into a hill of rare coastal heath and result in the destruction of many mature trees and other vegetation. Whatever else the Board may decide, we strongly urge that you not allow such damaging and irreversible actions unless and until the zoning and permitting issues are resolved - issues about which Building Commissioner Braun's memorandum expresses serious concern. To do otherwise would risk the senseless destruction of environmentally sensitive land and serious harm to surrounding property owners for the construction of a road to nowhere.

In the Kline case, the proponents created "realities on the ground" - constructing their house while the legality of doing so was still unsettled - and then attempted to leverage those realities into zoning variances after the fact. Though we ascribe no ill motive to the Applicant, we ask that the Board act to prevent even the possibility of such a scenario here.

2. Should the Board be inclined to approve this application, we ask (while reserving all rights) that it attach conditions to reduce the project's adverse impacts on the natural environment and on the affected property owners. At a minimum, the Board should impose the mitigation conditions devised in connection with the nearly identical plan presented by Applicant's predecessor in interest in Spring 2014. (A copy of the

Truro Planning Board
October 5, 2015

-- Page 2 --

Board's May 6, 2014 decision listing these conditions (hereinafter "PB Decision May 26, 2014") is attached.) These conditions include:

A. Septic system and well for the Hershkoff/Loffredo home:

As noted in the August 26, 2015 memorandum to the Board from Town Health Agent Pajaron, Applicant's plan shows a roadway that crosses over the leach pit serving our septic system and the leach pit is not designed to withstand heavy loads or vehicular traffic. The Health Agent has confirmed that the relocation of the septic system will require an evaluation of all well and septic locations in the immediate vicinity, and that the relocation/new design will need to comply with current Title 5 requirements. We note that the Land Court judgment requires Applicant to obtain all permits and pay for all costs of the relocation. See "Amended Judgment After Rescript" of the Land Court dated February 4, 2013, a copy of which is included in the Applicant's materials. Subdivision Control Law, Chapter 41, Sections 81M and 81U, prohibits a Planning Board from approving a plan that does not comply with the recommendations of the Board of Health. Accordingly, consistent with the Truro Health Agent's memorandum, should the Planning Board determine that the Applicants' plan is approvable, we ask the Board to impose the following conditions:

1. "No work related to the roadway shall commence until the septic system serving 9 Benson Road has been designed, permitted, and relocated in accordance with the requirements of Title 5 (310 CMR 15.000 et seq) and the Truro Board of Health Regulations, and the new system has been put into operation." (See PB Decision May 6, 2014, p.2, ¶4.)

2. No storm water catch basin or leach pit shall be located within the 100-foot radius to the well serving 9 Benson Road. (See PB Decision May 6, 2014, p.2, ¶13.)

B. Roadway Width and Materials

The traveled width of the road should be a maximum of 10 feet, as described in the May 6, 2014 PB Decision (p.2, ¶¶ 1-3). Section 3.3 of the Truro Rules and Regulations Governing the Subdivision of Land (the "Rules"), entitled "Respect for natural environment," requires that roads be designed with minimal impact on the environment, including natural features, vegetation, and scenic views. A travel width of 12 feet is unnecessary for this type of road, which would serve only a single lot, would therefore do unnecessary damage to the land, and so fails to comply with the Rules.

Should the Planning Board determine that the Applicants' plan is approvable, we ask the Board to direct the following changes to the road design:

- "The paved portion of the road shall have a width of 10' paved, with a 1.5' berm on one side, with 2' of hardened shoulders on either side." (See PB Decision May 26, 2014 p.2 ¶1).

Truro Planning Board
October 5, 2015

-- Page 3 --

- "The unpaved portion of the road [located between 7 Benson Rd and 9 Benson Road, and flat or very gently sloped] shall have a width of 10', with 2' of hardened shoulders loamed and seeded. The unpaved portion of the road shall be constructed with a dense graded base with a natural surface. A detail of the construction shall be provided." (See PB Decision May 26, 2014 p.2 ¶¶ 2-3).

To provide some context, we note that there are *numerous* roads in the Town of Truro that are unpaved and narrower than 10 feet, *including shoulders*. Moreover, many of these roads provide adequate access to multiple lots/houses. A partial list of such roads is attached to this letter.

C. Guardrails:

The plans depict a guardrail on the southerly side of the proposed road. In consultation with our engineer, who concluded that the guardrail was unnecessary for the road at the 16% maximum grade proposed in Applicant's 2014 revised plan, we do not believe that the guardrail is necessary for the currently proposed roadway, with a maximum grade of only 14%. We therefore ask that **the guardrail be eliminated** from any plan as it mars the scenic view and does not serve a critical purpose. (The PB Decision May 26, 2014 would have permitted a guardrail for the 16% grade road, but scaled back the length so as to begin at Station 2 + 75 rather than 2 + 00. (p.2 ¶5)).

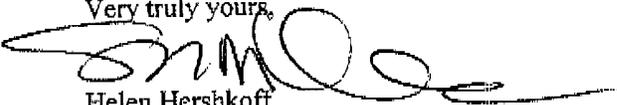
D. Other Mitigation

Should the Board determine that the Applicant's plan is approvable, we request that all of the remaining conditions set forth in the Board's May 26, 2014 Decision be attached – including limiting the development to a one-lot, single family home -- as these conditions are necessary to reduce the severe adverse impact that this project will have on the natural environment and on the surrounding property owners.

Finally, we note that the Land Court judgment related to this matter settled only an issue of property rights as between private parties. It did not purport to determine any issue of land use, planning or zoning law. Nor did it in any way restrict the authority of the Town and its boards to consider any relevant factors -- including the magnitude and quality of the damage to the natural environment -- in determining whether to permit the development proposed in this application.

Thank you for your work on this Board and for considering our views.

Very truly yours,



Helen Hershkoff
Stephen Loffredo

Appendix

Some examples of Truro roadways less than 10 feet in width

There are numerous roads in the Town of Truro which are unpaved and narrower than 10 feet, **including shoulders**. Many of these roads provide adequate access to multiple lots/houses. Examples, measured on-site by our engineer, include:

- a) Katherine Road- 9 feet wide / processed stone surface- serves 5 houses
- b) Ryder Hollow Road- 9 feet wide / earth and processed stone surfaces- serves 3 houses
- c) Rolling Hills Road- 9 feet wide / bituminous paved - serves 7 houses
- d) Atwood Lane - 9 feet wide / earth surface - serves 4 houses
- e) Eagle Neck Road (aka Stick Bridge Rd) - 10 feet wide / processed - recycled surface - serves 2 houses
- f) Freeman Road - 9 feet wide / earth - processed surface - serves 2 houses
- g) Marian Lane - 9 feet wide / earth surface - serves at least 2 houses
- h) Old Bridge Road- 9 feet wide / earth- processed surface- serves 8 houses
- i) Phats Valley Road- 9 feet wide / earth surface- serves 3 houses, 1 lot
- j) Wellsweep Lane (off Fisher Road)- 10 feet wide / bituminous surface- serves 6-8 houses
- k) Perry's Hill Way- 8.5 feet wide / earth surface- serves 5-6 houses (2 photos enclosed)

The plan proposed by Applicant shows a straight road with very few bends or curves, providing access over very sensitive land to a single lot. The Board would well within its authority to mandate that any road be narrowed, as we have suggested, so as to minimize impact on the natural environment.



COMMONWEALTH OF MASSACHUSETTS
TOWN OF TRURO
PLANNING BOARD – NOTICE OF ACTION

DEFINITIVE SUBDIVISION

Reference No. 2014-001

Atlas Sheet 50 Parcel 53

9B Benson Road, North Truro

Applicant: Willie J. Cater and Gloria J. Cater

Meeting Dates February 18, 2014, March 4, 2014, April 1, 2014, April 15, 2014 and May 6, 2014

Decision Date May 6, 2014

At a duly posted and noticed public hearing opened on February 18, 2014 and continued to March 4, 2014, April 1, 2014, April 15, 2014 and continued to and closed May 6, 2014, the Town of Truro Planning Board, acting in the matter of Reference Number 2014-001 voted on a motion, with conditions to approve a 1-Lot Definitive Subdivision Plan for Doctor Willie J. and Gloria J. Cater. The Board's vote was three (3) in favor and one (1) opposed, resulting in the vote not acquiring the required majority vote of the Planning Board (seven members total).

In the Planning Board's deliberations, the following plans and submittals were reviewed:

Submitted by the applicant to the Town Clerk on January 15, 2014, as follows:

- 1) Willie J. Cater, Gloria J. Cater, Town of Truro Planning Board, Application for Approval of Definitive Subdivision Plan.
- 2) Definitive Subdivision Plan of Land prepared for Doctor Willie J. and Gloria J. Cater, Assessors Map 53, Parcel 50, Truro, MA, May 13, 2013, Scale 1" = 40' (Plan ols#155-1).
- 3) Hopper's View Lane, Road Construction Plan, Prepared for Doctor Willie J. and Gloria J. Cater, Outermost Survey, Inc. and Clark Engineering, Inc. 07-01-2013.
- 4) Hopper's View Lane, Profile Plan, Prepared for Doctor Willie J. and Gloria J. Cater, Outermost Survey, Inc. and Clark Engineering, Inc. 07-01-2013, revision 12-06-13.

Submitted by the applicant to the Town Clerk on April 30, 2014, as follows:

- 1) Letter dated April 28, 2014 from Attorney Bruce W. Edmands
- 2) Definitive Subdivision Plan of Land prepared for Doctor Willie J. and Gloria J. Cater, Deed Book 22682, Page 84, Assessors Map 53, Parcel 50, Truro, MA, May 13, 2013, Scale 1" = 40' (Plan ols#155-1).
- 3) Hopper's View Lane, Road Construction Plan, Prepared for Doctor Willie J. and Gloria J. Cater, Outermost Survey, Inc. and Clark Engineering, Inc. 07-01-2013, revised 12-06-13, 03-31-14 and 4-22-14.

- 4) Hopper's View Lane, Profile Plan, Prepared for Doctor Willie J. and Gloria J. Cater, Outermost Survey, Inc. and Clark Engineering, Inc. 07-01-2013, revised 12-06-13, 03-31-14 and 4/25/14.
- 5) Invasive Species Management/Restoration Plan, April 28, 2014, Hopper's View Lane - Road Construction Area, Truro, Massachusetts, by BlueFax.
- 6) Restoration/Planting Plan, April 28, 2014, Hopper's View Lane - Road Construction Area, Truro, MA, scale 1"=40' (Black and White), by BlueFax.
- 7) Reduced Restoration/Planting Plan, April 28, 2014, Hopper's View Lane - Road Construction Area, Truro, MA, scale 1"=40' (Color), by BlueFax.

After much discussion and testimony, the Planning Board reviewed all the waivers and conditions, deliberated and closed the hearing at 9:17pm on May 16, 2014.

Decision

On a motion from Leo Childs, seconded by Christopher Lucy, the Board voted to approve the Definitive Subdivision of Land prepared for Doctor Willie J. and Gloria J. Cater as submitted and to approve the method of construction for access from Benson Road to the subject property, pursuant to MGL c.41, §81-T and §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land, located at 9B Benson Road, Truro and shown as Parcel 50 on Truro Assessor's Map, Sheet 53, with the following conditions:

1. The paved portion of the road shall have a width of 10' paved, with a 1½' berm on one side, with 2' of hardened shoulders on either side. This is exclusive of the T-turnaround in the cul-de-sac.
2. The unpaved portion of the road shall have a width of 10', with 2' of hardened shoulders loamed and seeded.
3. The unpaved portion of the road shall be constructed with a dense graded base with a natural surface. A detail of the construction shall be provided.
4. No work related to the roadway shall commence until the septic system serving 9 Benson Road has been designed, permitted, and relocated in accordance with the requirements of Title 5 (310 CMR 15.000 et seq) and the Truro Board of Health Regulations, and the new system has been put into operation. This shall be so noted on the plan and within the Planning Board Covenant.
5. The guard rail shall begin approximately at Station 2+75 rather than at Station 2+00.
6. The proposed limit of clear for the T-turnaround shall be restricted to within the confines of the cul-de-sac area.
7. There shall be no lighting of the roadway on the Truro Conservation Trust, Loffredo or Clark properties.
8. The applicant shall deposit with the Town a cash or other approved bond in the amount of \$25,000, in addition to a Planning Board Covenant. The bond shall be remitted to the applicant upon completion of all construction and restoration in accordance with the approved plans, and verification by the Planning Board that vegetation has stabilized and is reasonably expected to survive and grow normally. No Certificate of Occupancy shall issue for the property until the bond has been deposited with the Town.

9. There shall be no construction of the roadway during the months of July and August in any year.
10. The applicant shall set aside as open space through a plan notation and covenant, or through a conservation restriction, an area of land on the Cater property at least equal in square footage to the area of Trust land disturbed for the project.
11. A Statement of Condition will be executed and shall include the provision that the roadway shall not be constructed except in connection with the construction of a single family dwelling on the Cater property.
12. The applicant shall count all trees measuring 6" DBH (for example Pitch Pine, Oak, Cherry), but not including invasive species, which are to be removed from the Loffredo property (9 Benson Road) within the limit of work area, and for every such tree removed, one shall be planted on the Loffredo property in a location acceptable to the Loffredos.
13. The leach pits located at Station 2+00 shall be relocated outside the 100 feet radius to the well on the Loffrado property.
14. The subdivision road shall be known as "Hopper Lane".
15. The temporary apron, to be used during construction, shall be reduced to 10' on the Construction Plan. Following construction of the road the temporary apron shall be removed and shall be reconstructed in conformity with the remainder of the unpaved road. Any disturbed areas shall be revegetated.
16. The Eastern Red Cedar shown on the BlueFax Restoration/Planting Plan within the 100' radius of the Loffrado well, shall be relocated to outside the "white" area as shown on the plan.
17. Any monuments disturbed during construction shall be replaced.
18. No construction of the way shall commence until Natural Heritage's Massachusetts Endangered Species Act (MESA) has acted and/or signed-off.
19. All waivers, in item 20, shall be noted on the definitive plan prior to endorsement.
20. The Board approved the following waivers from the Town of Truro Rules and Regulations Governing the Subdivision of Land, Appendix 2, Table 1, Recommended Geometric Design Standards for Subdivisions:

Standard	Requirement	Proposed	Waiver Requested
Roadway Layout			
Minimum right of way width	40 feet	12 feet	28 feet
Minimum roadway width	14 feet	12 feet	2 feet
Shoulder width	4 feet	2 feet	2 feet
Grade			
Maximum grade	8% or 10% For 100 feet	16% For 200+/- feet	8% or 6% 100+/- feet
Intersection Standards			
Minimum intersection angle	60 deg.	32 deg.	28 deg.
Minimum curb radius	20 feet	0 feet	20 feet
Dead-end Street			
Minimum radius of circular turnaround, to curb or to edge of pavement	40 feet	T-Turnaround	T-Turnaround

Board Vote

The Board's vote was three (3) in favor (Messer's Childs and Lucy and Karen Snow) and one (1) vote against (Bruce Boleyn). As a simple majority of the Planning Board is required for approval and the Truro Planning Board is a seven (7) member Board, the approval was not received.

Karen Snow 5/13/14
Planning Board Chair Date

Received, Office of the Town Clerk:

[Signature]
Signature

MAY 13, 2014
Date

Charleen Greenhalgh

From: Thomas Frisardi <TFrisardi@DavisMalm.com>
Sent: Tuesday, October 06, 2015 11:10 AM
To: Charleen Greenhalgh
Cc: Michelle Nevens
Subject: Definitive Plan Matter 2015-007PB - 9B Benson Road/Willie J. Cater and Gloria J. Cater
Attachments: Letter to Planning Board.pdf

Please forward this message to the Chair of the Planning Board. Please reply to confirm that you have received this.

Dear Ms. Tobia,

Due to an unforeseen scheduling problem, I will not be able to attend the Planning Board meeting tonight. Please bring the letter that I sent you previously to the attention of the board, regardless. I have attached a copy of the letter, for your convenience.

Please do not hesitate to contact me, if you have any questions.

*Sincerely,
Thomas Frisardi*

THOMAS FRISARDI

Attorney at Law
DAVIS, MALM & D'AGOSTINE, P.C.
One Boston Place
Boston, MA 02108
phone: (617) 589-3816
fax: (617) 305-3116
tfrisardi@davismalm.com
www.davismalm.com

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This is an automatically generated message by Exclaimer for Davis, Malm & D'Agostine, P.C.

DAVIS MALM &
D'AGOSTINE P.C.
ATTORNEYS AT LAW

Thomas Frisardi

October 1, 2015

BY EMAIL (assttownadm@truro-ma.gov)
FAX (508-349-5505) and
FIRST-CLASS MAIL

Town of Truro Planning Board
P.O. Box 2030
Truro, MA 02666
Attn: Lisa Maria Tobia, Chair &
Rae Ann Palmer, Town Administrator

RECEIVED
OCT - 5 2015
BY: *CYM*

**Re: Definitive Plan Matter 2015-007PB
9B Benson Road / Willie J. Cater and Gloria J. Cater**

To the members of the Town of Truro Planning Board:

I represent Lucy Clark, whose land at 7 Benson Road would be burdened by the proposed subdivision road of Willie and Gloria Cater. I am writing to briefly explain that the Planning Board must deny the Caters' application, because the proposed subdivision road does not include a 40' right-of-way as required for sufficient frontage for zoning purposes. The Planning Board does not have the authority to override the Truro Zoning Bylaw.

A major purpose of the subdivision control law is to assure that there is adequate access to residences for emergency and other vehicles. This is a public safety concern of real significance. Although subdivision roads typically remain private ways after construction, they are in principle open to the public. They therefore must be suitable for acceptance as public ways should conditions require that the Town intervene to maintain safe and adequate access in the future. The 40' right-of-way required for a road furnishing frontage under Truro zoning law exists in order for the Town to have the area it may need to maintain the improved roadway, if such circumstances occur. Without it, access needed to repair or maintain the roadway cannot be guaranteed.

direct 617-589-3816 direct fax 617-305-3116
email tfrisardi@davismalm.com

ONE BOSTON PLACE • BOSTON • MA • 02108
617-367-2500 • fax 617-523-6215
www.davismalm.com

October 1, 2015
Page 2

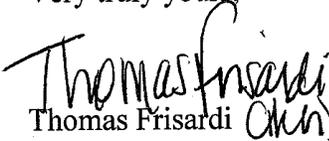
DAVIS MALM &
D'AGOSTINE P.C.
ATTORNEYS AT LAW

Even if the Planning Board finds that the 40' right-of-way requirement serves, in this case, solely for the purpose of discouraging development of pristine land, the Planning Board is still compelled to follow the Truro Zoning Bylaw as the policies in it supersede the discretion of the Planning Board under its subdivision control regulations.

Having represented Ms. Clark in all of the litigation in this matter, I can represent to the Planning Board that the judicial decisions did not overrule the 40' right-of-way requirement. The Caters did not bring this issue to the attention of the courts. Although the courts considered subdivision control generally, there was never a requirement-by-requirement analysis. Indeed, the focus at trial was entirely on the roadway width and grade requirements of the Truro Subdivision Rules and Regulations. The Caters have never fairly and fully presented the 40' right-of-way requirement in any court. Thus, the courts neither had reason to consider the issue nor did they give the Planning Board authority to exercise any discretion concerning the 40' right-of-way requirement, which might override the fact that the Planning Board has no such discretion in general.

Thank you for your time and attention. I will attend the Board's October 6, 2015 public hearing to present these issues and to address any questions.

Very truly yours,


Thomas Frisardi

TF/mn



TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004 Fax: (508) 349-5505

To: Planning Board
Fr: Carole Ridley, Consultant
Date: November 11, 2015
Re: Secrest Preliminary Plan

2015-008PB Seacrest Family Trust seeks approval of a 2-lot preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Truro Rules and Regulations Governing the Subdivision of Land for property located at 54 Old King's Highway, Assessor's Map 47, parcels 120 and 20.

Description

The applicant is seeking Preliminary Plan approval to reconfigure two parcels of land (Map 47, parcels 20 and 120) into two lots with frontage on a newly proposed way. The total site area is 9.6 acres.

Under existing conditions, Parcel 120 (6.27 acres) is an existing lot with a dwelling and studio on it, and access is provided via an unpaved driveway off of Old King's Highway. Parcel 20 (3.350 acres) is a land locked rectangular parcel located south of Parcel 120. The current configuration of parcels is shown on the enclosed Assessor's map.

The applicant proposes to re-orient Parcel 20 from an east-west alignment along the southern boundary with Parcel 120, to a north-south alignment along the eastern boundary of Parcel 120. The two newly configured lots would be served by a newly constructed way off of Old King's Highway, which terminates in a cul de sac. Reconfigured Lot 1 would be slightly larger than the current size of parcel 120 (6.9 acres) and Lot 2 would be slightly smaller than the current size of parcel 20 (2.0 acres).

The proposed new way and cul de sac would be a 40-foot wide layout, with a travel surface width of 20 feet with rounding, according to the applicant's description. The surface of the way would be stone, and two catch basins would be installed to collect stormwater from the relocated driveway serving Lot 1 and from the cul de sac.

The portion of Old King's Highway running along the Secrest property (approximately 600 feet) would be partially laid out reserving a 20 foot wide layout on the Secrest (south) side of the road. Road width would be increased to 14 feet with a stone surface. Stormwater would be directed to the southerly side of the road into a drainage swales provided on the Secrest property.

The applicant would request from the Planning Board a waiver from strict compliance with the minimum right of way width of 40 feet on Old King's Highway, and a waiver of shoulders.

Completeness of Application

The review of plans was conducted by Charleen Greenhalgh. In her letter to the applicant's engineer dated October 5, 2015 (enclosed), Charleen noted that the plans did not provide dimensions for the proposed way and cul de sac. She also noted that the Planning Board cannot waive the required minimum roadway layout width of 40 feet on Old King's Highway and that a variance from the Zoning Board of Appeals would be required. Further comment on this topic from Attorney Duane Landreth and Town Counsel is discussed below.

A follow up email sent to the applicant's engineer on October 14th reiterated Charleen's request for a revised plan showing dimensions for the way and cul de sac, and also noted that the Health Agent had noted that the plan also should show the existing well and septic systems serving buildings on parcel 120. A revised plan was received on November 11th and is enclosed.

Abutter Notice

Notice to abutters was sent out on October 7, 2015, indicating a meeting date of October 20th. A second notice to abutters was sent when the matter was postponed to the November 4th meeting. Subsequently, Attorney Landreth submitted a letter requesting to reschedule the application to a later date and agreeing to extend the period of Board action to November 23, 2015. A third notice to abutters was sent on October 30th informing them that the matter was rescheduled from November 4th to November 18th.

A number of letters from abutters were submitted, and are enclosed.

Town Staff Comments

1. Conservation: There are no wetlands on site. Lots 1 and 2 are entirely within estimated habitat as delineated by Natural Heritage and Endangered Species Program. Any work proposed work in this area would require a filing with Natural Heritage and Endangered Species Program (NEHSP).
2. Health: Two septic systems serving Lot 1 passed inspection in 2013. The preliminary plan should show the location of the existing septic systems serving Lot 1, as well as the well serving the lot. Lot 2 would be restricted to 8 bedrooms.
3. Police: No concerns
4. Building Commissioner: Seeks clarification on origin of layout for Old King's Highway. Plan does not show sufficient information such as dimensions and design of the cul de sac to determine whether it meets town standards. For Lot 2 to have legal frontage, cul de sac and Old King's Highway would have to meet road standards, or alternately, zoning relief would need to be sought from the Board of Appeals.

Planning Staff Comments

A visit to the site was held on October 16th. The Planning Board was represented by Bill Worthington, Steve Sollog, and Jack Riemer.

Attorney Duane Landreth submitted the enclosed letter to Chairman Tobia and the Board (October 19, 2015) articulating an opinion that the Planning Board does have the right to waive strict compliance with the access road layout requirements provided it meets the standards of the improved roadway surface. Under this interpretation, a variance by the Zoning Board of Appeals is not required.

Mr. Landreth's letter was provided to Town Council for his review. Counsel's response will be ready in time for the November 18th meeting.

A deed (book 5295 page 092) indicating that a parcel matching the description of parcel 120 was "conveyed subject to the restriction that the parcel shall not further divided or sub-divided." (sic) also was provided to Town Council with a request as to whether the Board can act on this application in light of the deed restriction or what relevance this deed restriction may have in the Board's consideration of this application. A response from Town Council is anticipated prior to the Board meeting of November 19th. The deed is enclosed.

Planning Board Jurisdiction

According to § 2.4 of the Rules and Regulations Governing the Subdivision of Land, the purpose of a preliminary plan is to "enable the subdivider, the Board, other municipal agencies and owners of abutting property to identify and discuss any problem areas in the proposed subdivision. Review of, and comments on, a Preliminary Plan are strictly advisory and do not commit the Board to approve a Definitive Plan.

§ 2.4.4 Action on Preliminary Plans states:

"Within 45 days after submission to the Board of a preliminary plan, it shall notify the applicant and the Town Clerk, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved, and in the case of disapproval, the board shall state its reasons therefore.

The approval of a Preliminary Plan does not entitle that plan to be recorded, but it may facilitate the approval of a Definitive Subdivision Plan."

Planning Board Options

As noted above, the Board may vote to approve the plan, approve the plan with conditions, or disapprove of the plan, citing specific reasons for disapproval.

TOWN OF TRURO



PLANNING BOARD

Office of Town Clerk
- Tax Collector
2015-008 PB
OCT - 2 2015
\$275.00 fee paid
Received TOWN OF TRURO
By Susan C. Joseph

Form B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

Date Oct. 2, 2015

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

Secret Family Trust Preliminary Subdivision Plan

by Coastal Engineering Co., Inc. dated 9/18/15 and described as follows:

Located: 54 Old Kings Highway, Truro, MA

Assessor's Map(s) and Parcel(s): Map 47 Parcels 120 and 020

Number of Lots Proposed: 2 Total acreage of Tract: 9.58

Said applicant hereby submits said plan as a Preliminary subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from Philip J. Secret & Rosamond A. Secret dated July 31, 2001, and recorded in the Barnstable

Registry of Deeds Book and Page: Book 14103 Page 132

or by Land Court Certificate of Title No. _____ registered in Barnstable County.

Applicant's Signature [Signature] Applicant's Telephone Number 406-212-9886
For Lee Secret

Applicant's Legal Mailing Address 14045 North Fork Road, Folebridge, MT 59928

Owner's Signature if not the applicant or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyor Name/Address John D. McElwee, PLS, Coastal Engineering Co., Inc.
(Or Person responsible for preparation of the plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk

COASTAL ENGINEERING COMPANY, INC.

260 Cranberry Highway, Orleans, MA 02653 ■ 508.255.6511 ■ Fax 508.255.6700 ■ coastalengineeringcompany.com

October 2, 2015

C18091.00

Truro Planning Board
Truro Town Hall
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

Re: Secret Family Trust Property

Dear Board Members:

The Secret Family Trust preliminary subdivision application before you proposes to reconfigure two parcels of land (parcels 120 and 20 on assessor's map 47) into two lots with frontage on the proposed way. Parcel 20 does not have access at this time. The intent of this subdivision is to create a second parcel of land with frontage on an improved way and retain the rural character of the area.

The total site area is 9.6 acres on the plan. Lot 1 is 6.9 acres and has a dwelling and a studio building as shown. Lot 2 is a vacant lot with an area of 2.0 acres. The existing driveway which serves the present residence will be reconfigured so that it will come off of the new way. Its access from Old King's Highway will be closed and that part of the driveway will be replanted.

The proposed way will be served by the existing Old Kings Highway, which is a single lane hardened dirt road. The proposed way will be a 40 foot wide layout with a cul-de-sac and will comply with the Truro Subdivision Rules and Regulations layout standards. In keeping with the rural character of the area, the design standard will comply with Section 3.7 Rural Road Alternative. The road surface will be stone. The width of the travel surface is 20 feet with rounding to allow for maneuvering emergency vehicles. Catch basins will collect water from the cul-de-sac and relocated driveway. This cul-de-sac would create a turnaround for emergency vehicles which does not presently exist within this neighborhood.

Old Kings Highway will be partially laid out reserving a 20 foot wide layout on the Secret side of the road. The road width will be increased to 14 feet in width for a Type 'A' road in Appendix 2, Table 1, with a stone surface. Drainage will be directed to the southerly side of the roadway and flow into drainage swales as shown. Waivers of strict compliance will be requested from the minimum right of way width of 40 ft. on Old Kings Highway. Also, to preserve the rural character of the road, a waiver of shoulders will be requested.

Very truly yours,

COASTAL ENGINEERING CO., INC.



John D. McElwee, PLS

JDM/dlb

cc: Secret Family Trust

D:\DOC\C18000\18091\Doc-Out\2015-10-02-planning board letter.doc

COASTAL ENGINEERING COMPANY, INC.

260 Cranberry Highway, Orleans, MA 02653 ■ 508.255.6511 ■ Fax 508.255.6700 ■ coastalengineeringcompany.com

October 2, 2015

C18091.00

Truro Planning Board
PO Box 2030
Truro, MA 02666

By Hand Delivery

Re: Preliminary Subdivision Plan
Secret Family Trust
54 Old Kings Highway
Truro, MA
Map 47 Parcels 120 & 20

Dear Members of the Board,

Enclosed please find 12 copies of the Application for Approval of a Preliminary Plan package and an original check for the filing fee for the above referenced property. Also attached are copies of the certified abutters lists for the properties. The following items are included:

- Form B Application for Approval of a Preliminary Plan
- Project Description Letter
- Check for \$275.00 payable to Town of Truro for filing fee
- Plan entitled "Preliminary Subdivision Plan (2 Lots)" dated 10/1/15

Please schedule this for your next available hearing.

Very truly yours,

COASTAL ENGINEERING CO., INC.



John D. McElwee, P.L.S.

cc: Truro Town Clerk
Secret Family Trust, owner

D:\DOC\C18000\18091\Permitting\Prelim Subdiv Trans Ltr.doc

TOWN OF TRURO
ASSESSOR'S OFFICE

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: Sept 22, 2015

To: Planning Board

From: Assessor's Office

Attached is a list of abutters for the property located at 54 Old Kings Highway
on Assessor's Map 47 Parcel 120. The current owner(s) as of 11/15
is/are Secrest family RE Nom Trust

The names and addresses of the abutters are as of 9/22/15 according to the most
recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Dennis Kopas

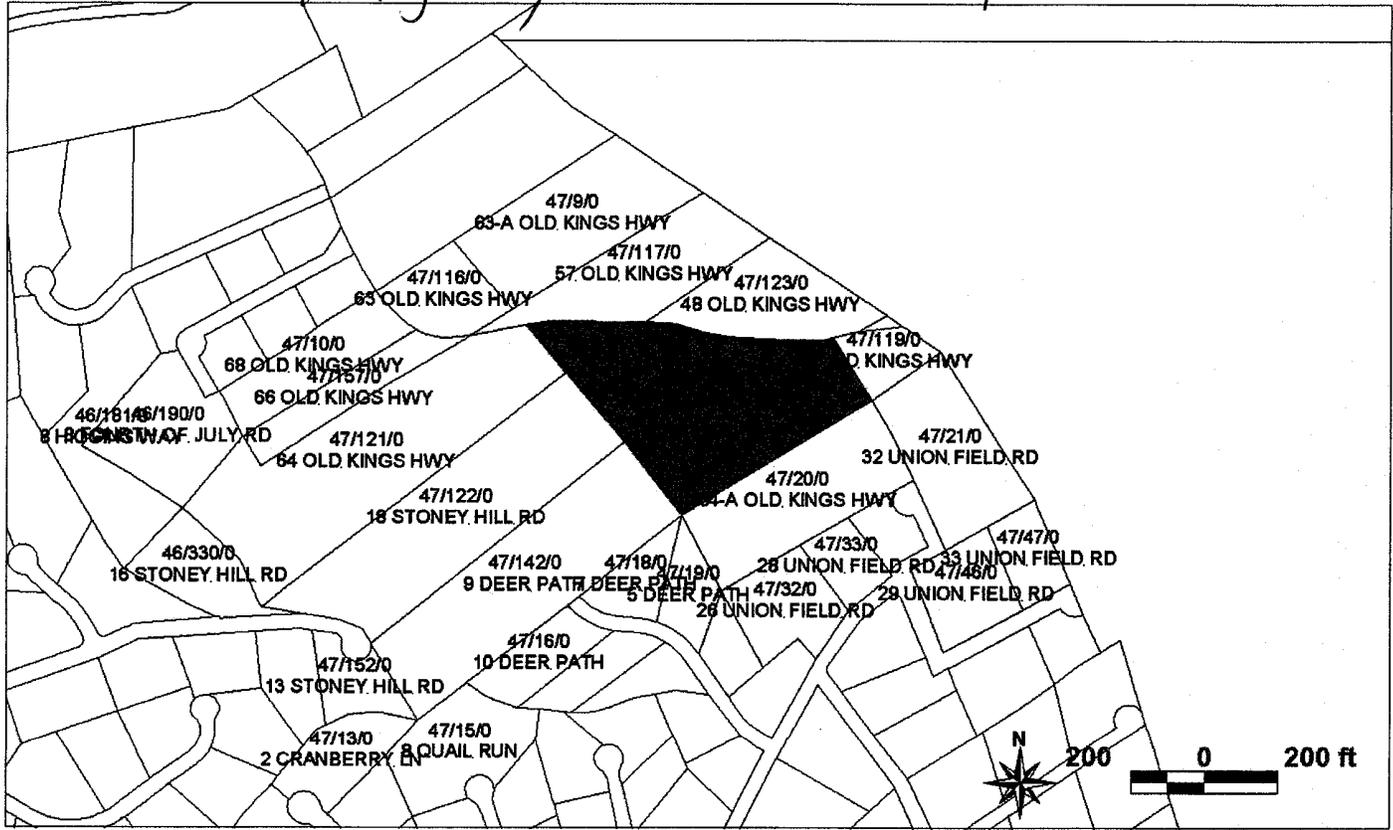
TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Planning Board

54 Old Kings Highway

Custom Abutters List

map 47 Parcel 120



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2403	46-181-0-R	THOMAS MARTIN P & RIGBY WILLIAM T JR	8 HIGGINS WAY	PO BOX 982	TRURO	MA	02666-0982
2412	46-190-0-R	LEVINSON FAMILY LLC	8 FOURTH OF JULY RD	34 CRESCENT PL	SHORT HILLS	NJ	07078
2535	46-330-0-R	HARRY L PALMER FAM TRUST TRS: PALMER HARRY L	16 STONEY HILL RD	PO BOX 922	PROVINCETOWN	MA	02657
2585	47-9-0-R	REE HILL REALTY TRUST TRS: SHARROCK CLIFFORD J	63-A OLD KINGS HWY	9306 SOUTH SULTON CT	LITTLETON	CO	80126
2586	47-10-0-R	LAFRANCE DIANE B	68 OLD KINGS HWY	44 OWENS ROAD	SILVER CITY	NM	88061
2589	47-13-0-R	RICHARD W VALACHOVIC TRUST TRS: VALACHOVIC RICHARD W	2 CRANBERRY LN	PO BOX 642	TRURO	MA	02666-0642
2591	47-15-0-R	BERLIN MICHAEL J & NANCY G	8 QUAIL RUN	PO BOX 2015	TRURO	MA	02666-2015
2592	47-16-0-R	THOMPSON JEROME B & JUDITH	10 DEER PATH	PO BOX 385	TRURO	MA	02666-0385
2594	47-18-0-R	GELLER ROGER & SUJSMAN MARJORIE	7 DEER PATH	29 TOXTETH ST	BROOKLINE	MA	02445-6940
2595	47-19-0-R	5 DEER PATH NOM REALTY TRUST TRS: MELNICKSAK FRANCES M	5 DEER PATH	60 KENWOOD CIRCLE	BLOOMFIELD	CT	06002-3440
2596	47-20-0-R	SECREST FAMILY RE NOM TRUST TRS: SECREST LEE	54-A OLD KINGS HWY	ATTN: SECREST LEE - TRUSTEE 14045 NORTH FORK RD	POLEBRIDGE	MT	59928
2597	47-21-0-R	DYER ANN D REVOCABLE TRUST TRS: DYER ANN D	32 UNION FIELD RD	3708 FILMORE RD	VIRGINIA BEACH	VA	23452
2607	47-31-0-R	KANDALL AMY	3 DEER PATH	PO BOX 609	TRURO	MA	02666-0609
2608	47-32-0-R	DAVIS BRIAN G & JEANNE P	26 UNION FIELD RD	PO BOX 524	TRURO	MA	02666-0524
2609	47-33-0-R	PAMET-TARHEEL REALTY TRUST TRS: MARR RICHARD & VIRGINIA	28 UNION FIELD RD	PO BOX 823	TRURO	MA	02666-0823

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2610	47-34-0-R	S & R 2004 REALTY TRUST TRS: SIGEL STANLEY M & RUTH M	4 UNION FIELD END	PO BOX 400	TRURO	MA	02666-0400
2622	47-46-0-R	AUERBACH JOEL I & ANNE WALLER	29 UNION FIELD RD	4900 N OCEAN BLVD APT 1606	LAUD BY SEA	FL	33308-2938
2623	47-47-0-R	BLUESTONE BARRY TRUST-2004 TRS: BLUESTONE BARRY	33 UNION FIELD RD	101 TROWBRIDGE STREET	CAMBRIDGE	MA	02138
2690	47-116-0-R	SLADE CYNTHIA A	63 OLD KINGS HWY	PO BOX 270	TRURO	MA	02666-0270
2691	47-117-0-R	SLADE FREDERICK A & HURD CYNTHIA SLADE ET AL	57 OLD KINGS HWY	C/O SLADE PO BOX 147	TRURO	MA	02666-0147
2692	47-118-0-R	SLADE FREDERICK A & HURD CYNTHIA SLADE ET AL	47 OLD KINGS HWY	C/O SLADE PO BOX 147	TRURO	MA	02666-0147
2693	47-119-0-R	DUARTE DANIEL B	50 OLD KINGS HWY	PO BOX 199	TRURO	MA	02666-0199
2694	47-120-0-R	SECRET FAMILY RE NOM TRUST TRS: SECRET LEE	54 OLD KINGS HWY	ATTN: SECRET LEE - TRUSTEE 14045 NORTH FORK RD	POLEBRIDGE	MT	59928
2695	47-121-0-R	REE HILL REALTY TRUST ET AL TRS: SHARROCK CLIFFORD J	64 OLD KINGS HWY	9306 SOUTH SULTON CT	LITTLETON	CO	80126
2696	47-122-0-R	OWNER UNKNOWN	18 STONEY HILL RD	N/A	TRURO	MA	99999
2697	47-123-0-R	SLADE FREDERICK A & HURD CYNTHIA SLADE ET AL	48 OLD KINGS HWY	C/O SLADE PO BOX 147	TRURO	MA	02666-0147
2716	47-142-0-R	REE HILL REALTY TRUST TRS: SHARROCK CLIFFORD J	9 DEER PATH	9306 SOUTH SULTON CT	LITTLETON	CO	80126
2725	47-152-0-R	SCASCITELLI JOSEPH R	13 STONEY HILL RD	22 DAME RD	NEWMARKET	NH	03857
2730	47-157-0-R	LAFRANCE DIANE B ET AL	66 OLD KINGS HWY	44 OWENS ROAD	SILVER CITY	NM	88061

TOWN OF TRURO
ASSESSOR'S OFFICE

P.O. Box 2012, Truro, MA 02666

Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506

Date: Sept. 22, 2015

To: Planning Board

From: Assessor's Office

Attached is a list of abutters for the property located at 54 Old Kings Highway
on Assessor's Map 47 Parcel 20. The current owner(s) as of 11/1/15
is/are Seacrest Family RE Nominee Trust - Lee Seacrest TRUS.

The names and addresses of the abutters are as of 9/22/15 according to the most
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Dennis Kopasz

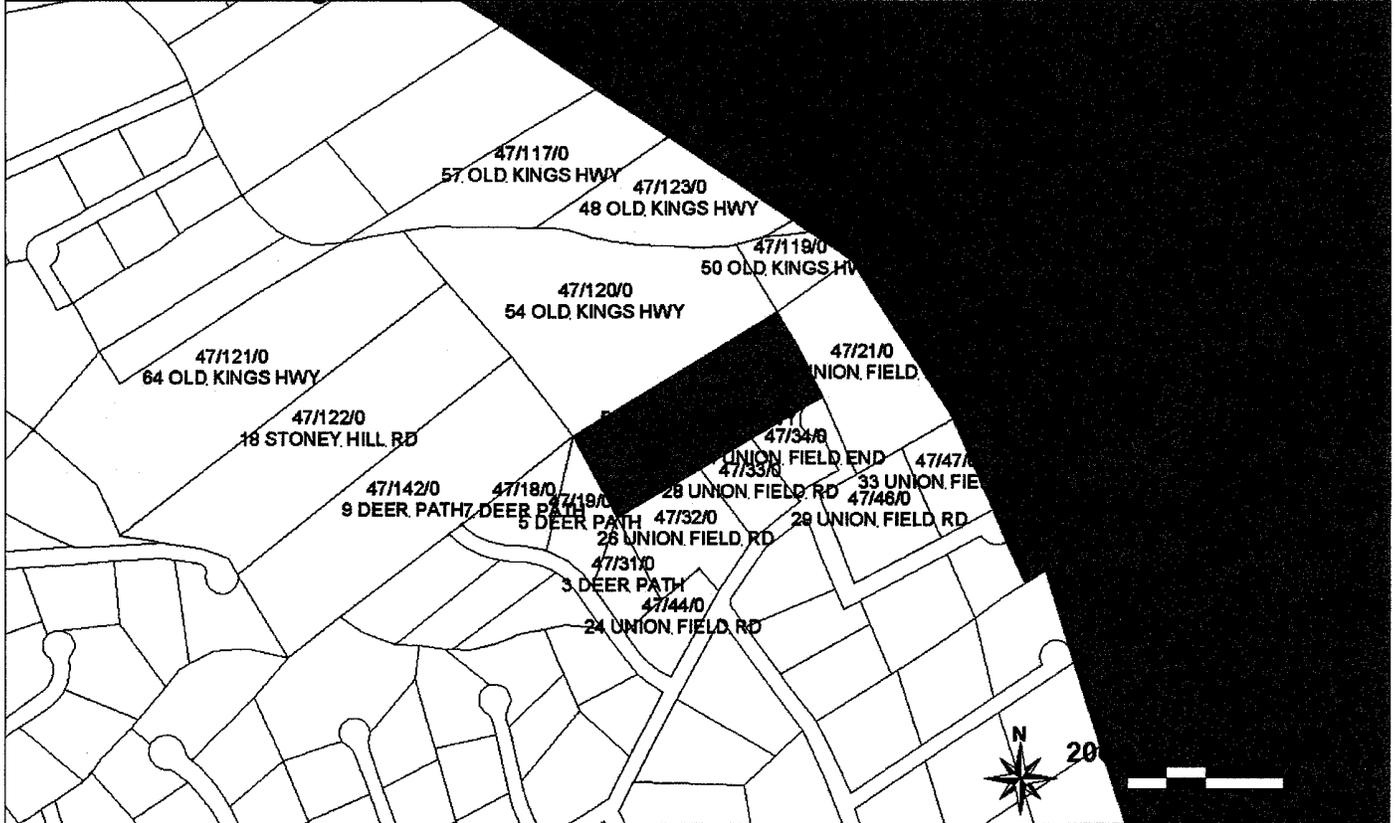
TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Planning Board

54A Old Kings Highway

Custom Abutters List

map 47 parcel 20



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2594	47-18-0-R	GELLER ROGER & SUISMAN MARJORIE	7 DEER PATH	29 TOXTETH ST	BROOKLINE	MA	02445-6940
2595	47-19-0-R	5 DEER PATH NOM REALTY TRUST TRS: MELNICKSAC FRANCES M	5 DEER PATH	60 KENWOOD CIRCLE	BLOOMFIELD	CT	06002-3440
2596	47-20-0-R	SECREST FAMILY RE NOM TRUST TRS: SECREST LEE	54-A OLD KINGS HWY	ATTN: SECREST LEE - TRUSTEE 14045 NORTH FORK RD	POLEBRIDGE	MT	59928
2597	47-21-0-R	DYER ANN D REVOCABLE TRUST TRS: DYER ANN D	32 UNION FIELD RD	3708 FILMORE RD	VIRGINIA BEACH	VA	23452
2607	47-31-0-R	KANDALL AMY	3 DEER PATH	PO BOX 609	TRURO	MA	02666-0609
2608	47-32-0-R	DAVIS BRIAN G & JEANNE P	26 UNION FIELD RD	PO BOX 524	TRURO	MA	02666-0524
2609	47-33-0-R	PAMET-TARHEEL REALTY TRUST TRS: MARR RICHARD & VIRGINIA	28 UNION FIELD RD	PO BOX 823	TRURO	MA	02666-0823
2610	47-34-0-R	S & R 2004 REALTY TRUST TRS: SIGEL STANLEY M & RUTH M	4 UNION FIELD END	PO BOX 400	TRURO	MA	02666-0400
2620	47-44-0-R	MALONEY ELIZABETH B	24 UNION FIELD RD	799 PROSPECT AVE	WEST HARTFORD	CT	06105
2622	47-46-0-R	AUERBACH JOEL I & ANNE WALLER	29 UNION FIELD RD	4900 N OCEAN BLVD APT 1606	LAUD BY SEA	FL	33308-2938
2623	47-47-0-R	BLUESTONE BARRY TRUST-2004 TRS: BLUESTONE BARRY	33 UNION FIELD RD	101 TROWBRIDGE STREET	CAMBRIDGE	MA	02138
2691	47-117-0-R	SLADE FREDERICK A & HURD CYNTHIA SLADE ET AL	57 OLD KINGS HWY	C/O SLADE PO BOX 147	TRURO	MA	02666-0147
2692	47-118-0-R	SLADE FREDERICK A & HURD CYNTHIA SLADE ET AL	47 OLD KINGS HWY	C/O SLADE PO BOX 147	TRURO	MA	02666-0147
2693	47-119-0-R	DUARTE DANIEL B	50 OLD KINGS HWY	PO BOX 199	TRURO	MA	02666-0199
2694	47-120-0-R	SECREST FAMILY RE NOM TRUST TRS: SECREST LEE	54 OLD KINGS HWY	ATTN: SECREST LEE - TRUSTEE 14045 NORTH FORK RD	POLEBRIDGE	MT	59928

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2695	47-121-0-R	REE HILL REALTY TRUST ET AL TRS: SHARROCK CLIFFORD J	64 OLD KINGS HWY	9306 SOUTH SULTON CT	LITTLETON	CO	80126
2696	47-122-0-R	OWNER UNKNOWN	18 STONEY HILL RD	N/A	TRURO	MA	99999
2697	47-123-0-R	SLADE FREDERICK A & HURD CYNTHIA SLADE ET AL	48 OLD KINGS HWY	C/O SLADE PO BOX 147	TRURO	MA	02666-0147
2716	47-142-0-R	REE HILL REALTY TRUST TRS: SHARROCK CLIFFORD J	9 DEER PATH	9306 SOUTH SULTON CT	LITTLETON	CO	80126

33925

DATE	INVOICE NO.	COMMENT	AMOUNT	NET AMOUNT
09/17/2015	33925	C18091.00		275.00
DATE 09/17/15			VENDOR Town of Truro	
			TOTAL	275.00

**COASTAL
ENGINEERING
COMPANY, INC.**

260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
(508) 255-6511

CAPE COD 5
P.O. BOX 10
ORLEANS, MA 02653

53-7107
2113

33925

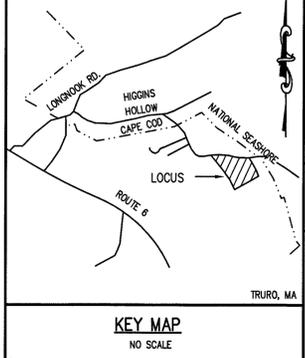
Two Hundred Seventy Five and no/100

DATE	CHECK NO.	AMOUNT
09/17/15	33925	\$275.00

PAY TO THE ORDER OF
TOWN OF TRURO
P.O. BOX 2030
TRURO MA 02666

Alex Ingulli
AUTHORIZED SIGNATURE

⑈033925⑈ ⑆211371078⑆ 89 2003120⑈



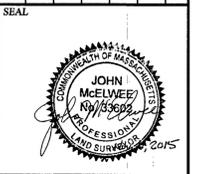
PLAN REFERENCES:
 ASSESSORS MAP 47, PARCEL 120 & 20
 PLAN BOOK 423, PAGE 37

DATUM NOTE:
 ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

OWNER:
 SECREST FAMILY REAL ESTATE NOMINEE TRUST
 DEED BOOK 14103, PG. 132

- LEGEND**
- EXISTING**
- BOUND
 - ⊠ ELECTRIC METER
 - ⊠ TELEPHONE BOX
 - 100- CONTOUR

NO.	DATE	REVISION
1	11-1-15	PLANNING REPORT RECOMMENDATIONS

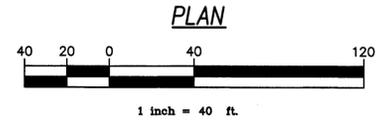
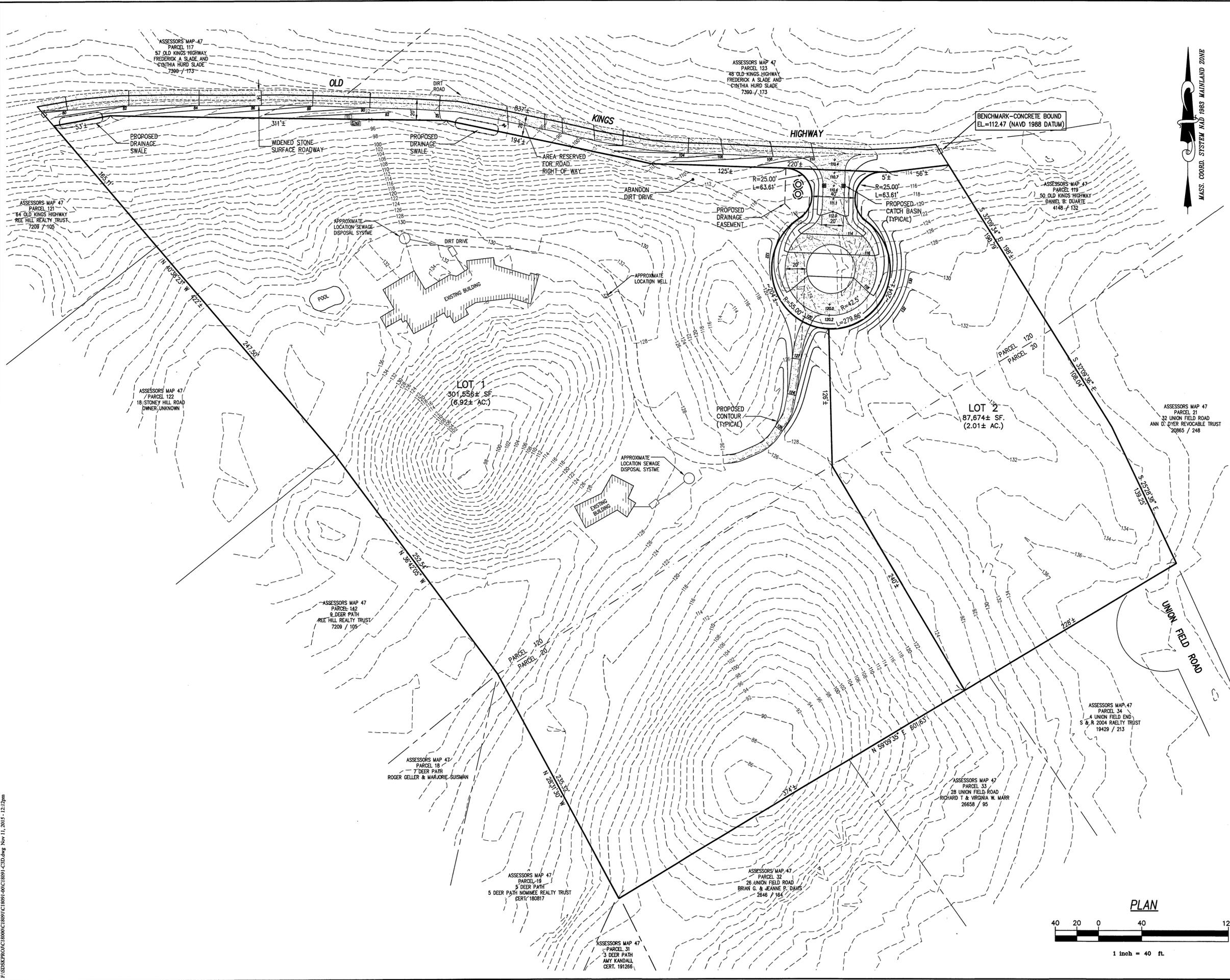


PROJECT: SECRET FAMILY TRUST
 54 OLD KINGS HIGHWAY
 TRURO, MA

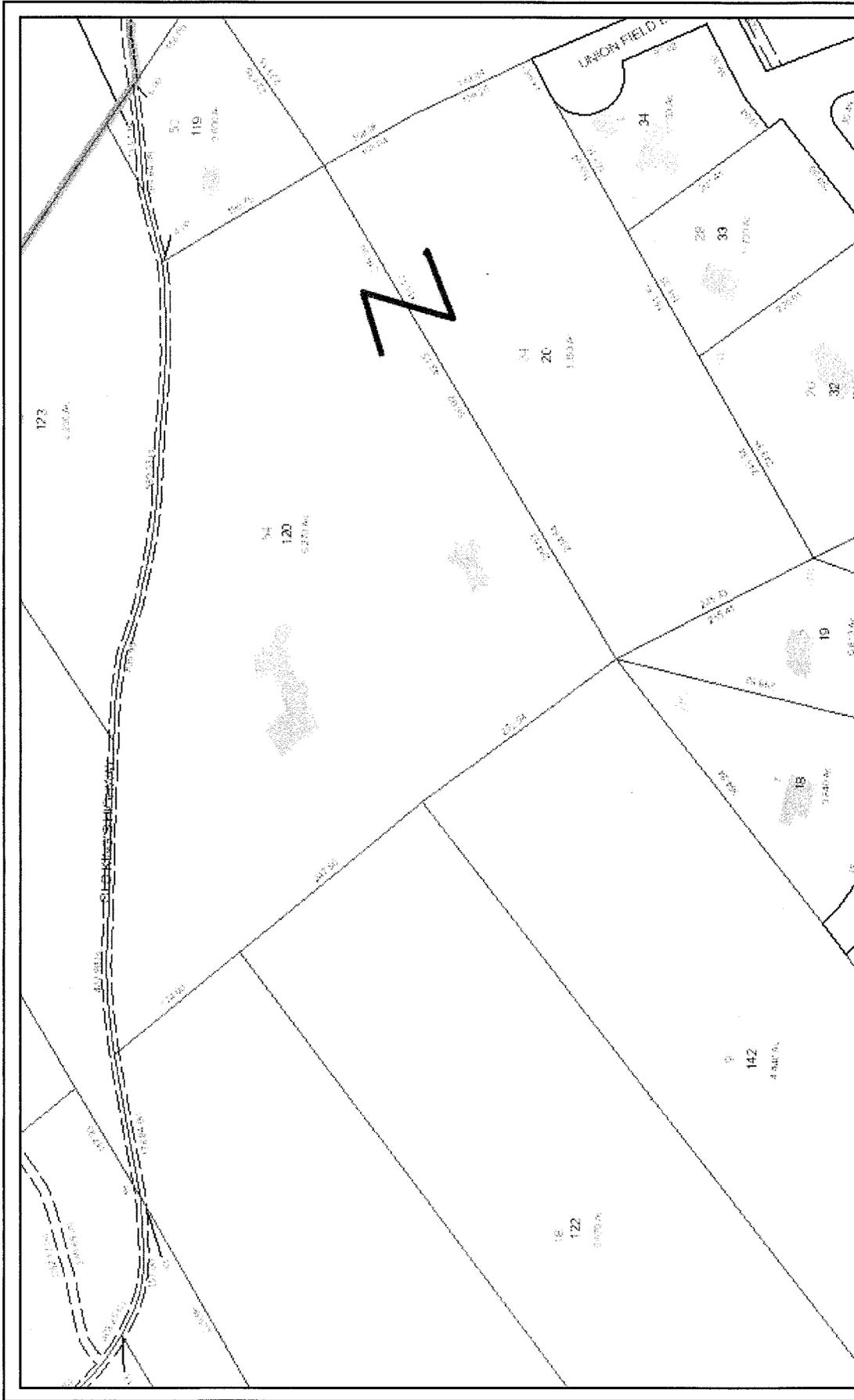
SHEET TITLE: PRELIMINARY SUBDIVISION PLAN
 (2 LOTS)

SCALE: AS NOTED
 DRAWING FILE: C18091-C3D.dwg
 DATE: 10-1-15
 DRAWN BY: JLH/JDM
 CHECKED BY:

C1.1
 1 OF 1 SHEETS
 PROJECT NO. C18091.00



P:\SUBS\PROJ\18091\C18091-C3D.dwg, Nov 11, 2015 - 12:12pm



54 Old Kings Highway - Current Configuration
Truro, MA

1 Inch = 150 Feet
 October 05, 2015

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

QUITCLAIM DEED

We, WILFRED G. SLADE, presently of 2764 Bayside Drive South, Saint Petersburg, Florida and formerly of Longnook Road, Truro, Massachusetts, and CLARK E. BROWN, of South Pamet Road, Truro, Massachusetts, as tenants in common,

in and for consideration paid of ONE HUNDRED SIXTY-FIVE THOUSAND and NO/100, (\$165,000.00) DOLLARS.

grant to PHILIP J. SECREST and ROSAMOND A. SECREST, husband and wife as tenants by the entirety, whose residential address is Main Street, Wellfleet, Massachusetts and whose mailing address is P.O. Box 752, Wellfleet, Massachusetts,

with QUITCLAIM COVENANTS a certain parcel of land in Truro, Barnstable County, Massachusetts, situated on the South side of the Old King's Highway (so called), and Southerly from Higgins Hollow, bounded and described as follows:

NORTHERLY by the Old King's Highway, an undefined public way, as shown on a plan hereinafter mentioned, eight hundred thirty-five (835) feet, more or less;

NORTHEASTERLY by land now or formerly of Daniel Duarte as shown on said plan, one hundred ninety-five (195) feet, more or less;

SOUTHEASTERLY by land now or formerly of Miriam A. Fowler as shown on said plan, six hundred two and 76/100 (602.76) feet,

SOUTHWESTERLY by lands now or formerly of Lewis Lombard, Clifford J. Sharrock and owners unknown as shown on said plan, six hundred seventy-four (674) feet, more or less.

Said parcel contains 6.27 acres of land, more or less, and is shown on a plan entitled in part "Plan Of Land In Wellfleet made for Wilfred G. Slade and Clark E. Brown . . . June, 1986, Slade Associates, Inc., Reg. Land Surveyors . . ." which plan is recorded with the Barnstable County Registry of Deeds in Plan Book 423, Page 37.

Said parcel is conveyed subject to the restriction that the parcel shall not further divided or sub-divided. This restriction shall run with the land and is imposed for the benefit of the grantors' remaining land which is located North of the parcel herein conveyed and on the Northerly side and abutting said Old King's Highway.

Truro

Said parcel is a portion of the property described in a deed from Sarah Francis to the grantors herein dated October 1, 1979 and recorded with said Registry in Book 2995, Page 149 and a deed from Celia Francis to the grantors herein recorded with said Registry in Book 3022, Page 175.

Executed as a sealed instrument this 11th day of September, 1986.

Wilfred G. Slade
WILFRED G. SLADE

Clark E. Brown
CLARK E. BROWN

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 11th day of September, 1986, then personally appeared the above-named CLARK E. BROWN and acknowledged the foregoing instrument to be his free act and deed, before me,

Lester J. Murphy Jr.
Notary Public Lester J. Murphy Jr.

My Commission Expires: November 17, 1989

CANCELLED



**Health/Conservation Agent
Town of Truro**

Phone: (508) 349-7004 ext. 32

MEMO

To: Carole Ridley, Consultant

From: Patricia Pajaron 

CC:

Date: October 13, 2015

Re: Preliminary Subdivision Plan Review for Secret Family Trust, 54 Old Kings Highway, Map 47, Parcels 120 & 20

I have reviewed the Preliminary Subdivision Plan of Land prepared by Slade Associates, Inc., October 1, 2014 and offer the following comments:

CONSERVATION

1. There are no wetlands within or adjacent to these lots so Conservation Commission review is not warranted. The October 2008 NHESP map indicates that the entire area, Old Kings Highway, the proposed lots 1 and 2 and adjacent lots are entirely within the estimated habitat as delineated by the Natural Heritage and Endangered Species Program of the Division of Fisheries. Any proposed work or activity in this mapped area would require a filing with NHESP.

HEALTH

1. There are two septic systems serving Lot 1 installed in 1987 under the 1978 version of Title 5. System #1 serves the 4 bedroom dwelling (main house) and system #2 the studio building. Both septic systems passed inspection as indicated on the June 2013 report completed by James J. Roderick, Inc. a MassDEP Approved Septic System Inspector.

2. Lot 2 consists of 87,674 square feet and would be restricted to 8 bedrooms.

3. The preliminary subdivision plan prepared by John McElwee, P.L.S. of Coastal Engineering Company, Inc. dated October 1, 2015 should include the location of the existing well and septic systems that serve the buildings on Lot 1.



**La Tanzi
Spaulding &
Landreth, P.C.**

8 Cardinal Lane
P.O. Box 2300
Orleans, MA 02658
T: 508.255.2133
F: 508.255.3786
www.latanzi.com

Duane P. Landreth
Direct Line: 508.255.2133, ext. 138
dlandreth@latanzi.com

October 28, 2015

Via E-Mail: CR@RidleyandAssociates.com

Carole Ridley
Ridley & Associates, Inc.
115 Kendrick Road
Harwich, MA 02645

Re: Application 2015-008PB, Secrest Family Trust
54 Old King's Highway, Truro

Dear Carole:

By this letter, the applicant in the above captioned matter requests a continuance of the consideration of it from November 4, 2015.

The application was filed on October 2, 2015 and we anticipated it would be considered at the October 20th meeting with a decision due on November 9, 2015. We were notified on October 14th that the review had to be moved to the 4th of November. That conflicted with my schedule and prompted the present request.

By this letter, applicant agrees that the forty-five day period for action on a preliminary plan as per subsection 2.4.4 of the current Subdivision Regulations shall be extended two weeks from November 9th to November 23, 2015 to make up for the elapsed time.

Please advise if you need anything further to support this request.

Very truly yours,


Duane P. Landreth

cc: John McElwee (via e-mail)



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
assttownadm@truro-ma.gov

October 5, 2015

John D. McElwee, P.L.S.
Coastal Engineering Company, Inc.
260 Cranberry Highway
Orleans, MA 02653

Re: 2015-008PB Preliminary Subdivision Plan
Secrest Family Trust

Dear John:

On behalf of the Truro Planning Board I have reviewed the Form B Application for Approval of a Preliminary Plan and the October 1, 2015 Preliminary Plan filed with the Truro Town Clerk on October 2, 2015. Based on that review I find that the application and plan are consistent with the filing requirements pursuant to §2.4.2 of the *Town of Truro Rules and Regulations Governing the Subdivision of Land* with the following exception:

§2.4.2.c.6 – It appears that only the width of Old Kings Highway, 20 feet, is provided. There are no other dimensions provided for the proposed cul-de-sac.

In your October 2, 2015 letter, you indicate that waivers “of strict compliance will be requested from the minimum right of way width of 40 ft. on Old Kings Highway.” Please know that the Planning Board cannot waive this requirement, but rather a variance from the Zoning Board of Appeals would be required prior to the submission of a definitive subdivision plan.

This matter is scheduled for the October 20, 2015 Planning Board meeting. Abutters will be notified by this office on October 7th. You should receive a copy of the agenda and staff report prior to that meeting.

If you have any questions, please do not hesitate to contact me at your convenience through October 9, 2015. After that date Planning Consultant Carole Ridley will be working for the Town of Truro.

Respectfully,

Charleen L. Greenhalgh
Assistant Town Administrator/Planner

cc: File



**La Tanzi
Spaulding &
Landreth, P.C.**

8 Cardinal Lane
P.O. Box 2300
Orleans, MA 02653
T: 508.255.2133
F: 508.255.3786
www.latanzi.com

*rec'd 10/21/15
(8)*

Duane P. Landreth
Direct Line: 508.255.2133, ext. 138
dlandreth@latanzi.com

October 19, 2015

Lisa Maria Tobia, Chair
Truro Planning Board
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666

Re: Planning Board 2015-008PB

Dear Ms. Chairwoman and Members of the Board:

This letter is written on behalf of the Secrest Family Trust about its recently filed preliminary subdivision plan, specifically in response to a letter dated October 5, 2015 by Charleen Greenhalgh, the former Town Planner.

In the second paragraph, Ms. Greenhalgh states that the Planning Board does not have the authority to waive the width of way standard for access to the proposed subdivision under the Truro regulations. She opines that a variance would be required from the Zoning Board of Appeals.

I agree that would be true if the applicant were seeking to create two conforming lots with frontage on Old King's Highway by an ANR plan. However, it misstates the authority of the Planning Board in regulating exterior access and the flexibility afforded it in shaping development. For reference purposes, the proposed subdivision is a Type "A", since it has between 1 and 4 lots, see definition of "Road/Street" at Section 1.6 of the Subdivision Rules and Regulations, amended through September 13, 2011 ("Subdivision Rules"). The standards for design of roads for various subdivision types are set forth in Appendix 2, Table 1 of the Rules. "Adequate Access to the Site" is covered at Section 3.9, which says that the Board can disapprove a plan if it determines that the road, which serves as access, is not adequate to carry the volume of traffic anticipated for the new subdivision. Applicant must also demonstrate that exterior access is adequate for emergency vehicles and the projected volume of traffic. The Board can require improvements in adjacent streets to improve access and is directed to consider Section 3.6.8 as design standards.

Section 3.7 gives the Board the power to modify the design standards of Section 3.6.8. It states that when a subdivision involves land of a rural character, the Board can waive the strict requirements of Section 3.6.8 for a road servicing no more than four dwellings. The



Lisa Maria Tobia, Chair
Truro Planning Board
October 19, 2015
Page - 2 -

Board has the power to impose conditions under Section 3.7 to make certain that the road remains rural and also serves the public interest. The Section also says that in no instance can the width of the road surface be waived. The implication is clear that the Board can waive the width of layout standards of Section 3.6.8 in the case of a rural road.

What applicant proposes by his plan is to widen the abutting portion of Old King's Highway to 20 feet by dedicating some of its land, and the applicant will create an improved roadway surface of 14 feet which fully conforms to Section 3.6.8 and Appendix 2, Table 1.

This interpretation is supported by Rule 1.2 which says the purpose of the Rules is to enhance the safety, convenience and welfare of the Town's inhabitants. The proposed subdivision cul-de-sac provides a safe turnaround for emergency vehicles which the neighborhood does not currently have. The 600 feet of roadway surface improvement along the portion of Old King's Highway abutting the Secrest land will enhance the public convenience without affecting the rural character of the land.

The Subdivision Control Law, Mass. G.L. c. 40A, Section 81K et seq. explicitly states at Section 81M that the powers of this Board are to be exercised to provide adequate access to lots within a subdivision. That goal is mirrored in the Rules as referenced in Sections 3.7 and 3.9, discussed above. The Planning Board is the proper body to consider the issue of adequacy of exterior access; the Rules provide the necessary guidance. To read them to limit its jurisdiction over the issue in favor of the Zoning Board of Appeals is an improper reading. The Zoning Board's task is to consider frontage on ways established by the Planning Board after the fact.

The Secrest Family Trust respectfully requests that this Board determine that it retains the power to waive access road layout requirements so long as the improved roadway surface standard is met.

Thank you for your attention to this matter.

Very truly yours,


Duane P. Landreth

cc: Carol Ridley, Ridley and Associates, Inc.
John McElwee, Coastal Engineering

10/9/2015

Gmail - Secret Estate Petition of a 2 Lot Subdivision



Stanley Sigel <stansigel@gmail.com>

Secret Estate Petition of a 2 Lot Subdivision

Stanley Sigel <stansigel@gmail.com>

Fri, Oct 9, 2015 at 8:15 PM

Request that the meeting on October 20, 2015 be postponed until May or June so that all abutters are able to attend.

There are several major issues that need to be considered. The 6.27 acres of land owned by the Secret Family Trust

stipulates that only one house can be built on that property. The 3.348 acres owned by the Secret Family Trust is

landlocked and there is no longer a " path " to my driveway on Union Field End.

Thank you for your consideration.

Yours sincerely,

A handwritten signature in cursive script that reads "Stanley M. Sigel".

Stanley M. Sigel

4 Union Field End

P.O. Box 400

Truro, MA 02666

Delivered by hand. DBL

October 14, 2015

Truro Planning Board
P. O. Box 2030
Truro, MA 02666

Re: 2015-008PB Secret Family Trust
Assessor's Map 47, Parcels 120 and 20

Dear Chairman Tobia and
Members of the Planning Board

The referenced application is very important to me and I would attend the Planning Board hearing in person but I am out of State at this time.

I am strongly opposed to the applicant's preliminary subdivision plan. In spite of the attempt by the applicant to "comply with the Truro Subdivision Rules and Regulations" by creating a 40 ft. wide layout for this "lot", the net effect would be another house lot that must be accessed by the Old Kings Highway, an ancient way one rod wide. This section of the road runs between National Park ownership coming off Higgins Hollow Road to National Park ownership just past the abutter (Duarte) to this proposed lot. A precedent could be set by allowing creation of either another building lot OR a subdivision off this ancient way.

Here are some other reasons for my opposition:

The Secretsts purchased their original parcel (120) and later purchased parcel 20 for protection, as there had been a preliminary attempt to subdivide that property. That land, parcel 20, had no connection to the Old Kings Highway. A serious precedent could be set by this approval, allowing another property owner in the area, such as Rees Realty Trust, to attempt to subdivide large, currently landlocked parcels.

The Old Kings Highway, by which this subdivision is to be accessed, is not and has never been a Town road. When Secret built, the road was deemed by the Power Company to be "private". Secret installed their own underground electric service down the middle of the Old Kings Highway after getting an easement from me to cross my land and access power from my pole, which is the last pole in that direction. Where will the electric for the "new" house come from? I thought I gave an easement only for the Secret house, not for others.

The applicant tries to make the case that the cul-de-sac will “create a turnaround for emergency vehicles”. Would it not serve the neighborhood better to limit future building to ONLY pre-established lots with frontage on the Old Kings Highway?

I urge the Truro Planning Board to disapprove this application.

Sincerely,

A handwritten signature in cursive script that reads "Diane B. LaFrance".

Diane B. LaFrance, owner
68 Old Kings Highway
66 Old Kings Highway

Mailing address:
44 Owens Road
Silver City, NM 88061
575-534-4403
575-590-2579
Delafrance.2013@gmail.com

October 15, 2015

Truro Planning Board
PO Box 2030
Truro, MA 02666

Re: Secrest Family Trust Subdivision on the Old Kings Highway

Dear Chairman and Planning Board Members,

I have lived on the Old Kings Highway (OKH) for 37 years and have become familiar with the travel on it. Although the road has been improved somewhat and there is good help from the Town DPW, it still remains challenging.

The OKH cannot support subdivisions on it. The Town acknowledges this as there are provisions to reject subdivision plans for this sole reason. This falls into the category of "common sense".

There are other issues of the subdivision plan that I take exception to and will address as necessary. I cannot support the Secrest Family Trust Subdivision and hope that you will conclude likewise.

Sincerely,



Daniel Duarte
PO Box 199
50 Old Kings Highway
Truro, MA 02666

Please read into
record at meeting

To: Lisa Maria Tobia , Planning Board Chair

10/10/2015

From: Richard T. Marr, Esq

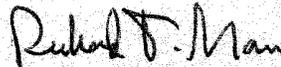
Subject: Secrest Estate Petition

I am writing with the approval of other property owners contiguous to the land. The Secrest Trust is proposing to change the orientation of lots 1 & 2 from an east-west orientation to a north-south axis. While it is unclear at the moment as to what their intent is, we are asking for the Planning Board to review this petition carefully and give all abutters appropriate notice to attend any hearing, either in person or by conference call. (Marr and Sigel will be in NC and FL within a week). Upon my review of the relevant deeds dating back to 1976, several issues require clarification.

- (1) The Secrest original deed stipulates that there be no subdivision. It is apparently alleged that this restriction might not be valid after 20 or 30 years. Where is the statutory backing for that assumption ?
- (2) Recent "State of Trusts" from the elder Secrests to the Secrest Trust make no reference to this restriction which 'runs with the land.'
- (3) A 1973 plot plan notes vehicle tracks running from the 3.348 acre lot through the driveway of the Sigel property to Union Field Rd. These tracks are grown over, unpassable, and provide an unacceptable access according to current road width requirements.
- (4) The 3.3 acre Secrest property is coded at the Truro tax office as land-locked.
- (5) Any access to Old King's Highway will have to meet frontage, width and set-back requirements.

We ask the Planning Board members to these issues carefully and consider the possible impact on the Old King's Highway and Union Field adjacent neighbors.

Yours sincerely,



Richard T. Marr, Esq.

(for Brian Davis, Danny Duarte, and Stan Sigel)



TOWN OF TRURO

Planning Department
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
cridley@truro-ma.gov

To: Planning Board
From: Carole Ridley
Date: November 11, 2015
Re: Temporary Sign Request – Payomet Performing Arts Center – Nov 15 – Dec. 15

The Board has received a request for temporary signs pursuant to Section 11 of the Truro Sign Code, which states:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

Payomet is requesting two double faced signs, each measuring 48” high by 36” wide. One sign to be located on Route 6 at Noons Height Road and the other on Route 6 at South Highland Road. The signs would be in place from November 15 – December 15.

Staff Comment

With the date of decision being November 17, 2015, the permit, if allowed, would cover November 17 through December 16, 2015.

TOWN OF TRURO



PLANNING BOARD

RECEIVED

NOV - 2 2015

\$25 pd

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

RECEIVED NOV 2 2015

BY: sk for PB

Applicant Name: Paymet Performing Arts Center Truro Date: 11/2/15

Applicant Contact Information: (Kevin Rice) PO Box 1202, Truro, MA 02666

Mailing Address

508-349-2929 info@paymet.org

Phone

Email

Number of Signs Requested: 2

Temporary Sign Dimensions: Height 48" Width 36" Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Rte 6, North of Noons Rd and Rte 6 South of South Highland Rd

Map(s): 39 Parcel(s): 166 Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: Season (June - December)

Date When Sign(s) will be: Installed: 11/15/15 Removed: 12/15/15

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Michael Winkler PO Box 1110 Truro, MA 02666

Name

Mailing Address

Mass State ROW

Phone

Email

Applicant Signature [Signature] Date 11/2/15

Owner Signature (which also authorizes the use of the property) Date

Planning Board Action: Approved ___ Approved w/Conditions ___ Denied ___

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen

36"

PAYOMET

6"

Coming Events:

40
Text

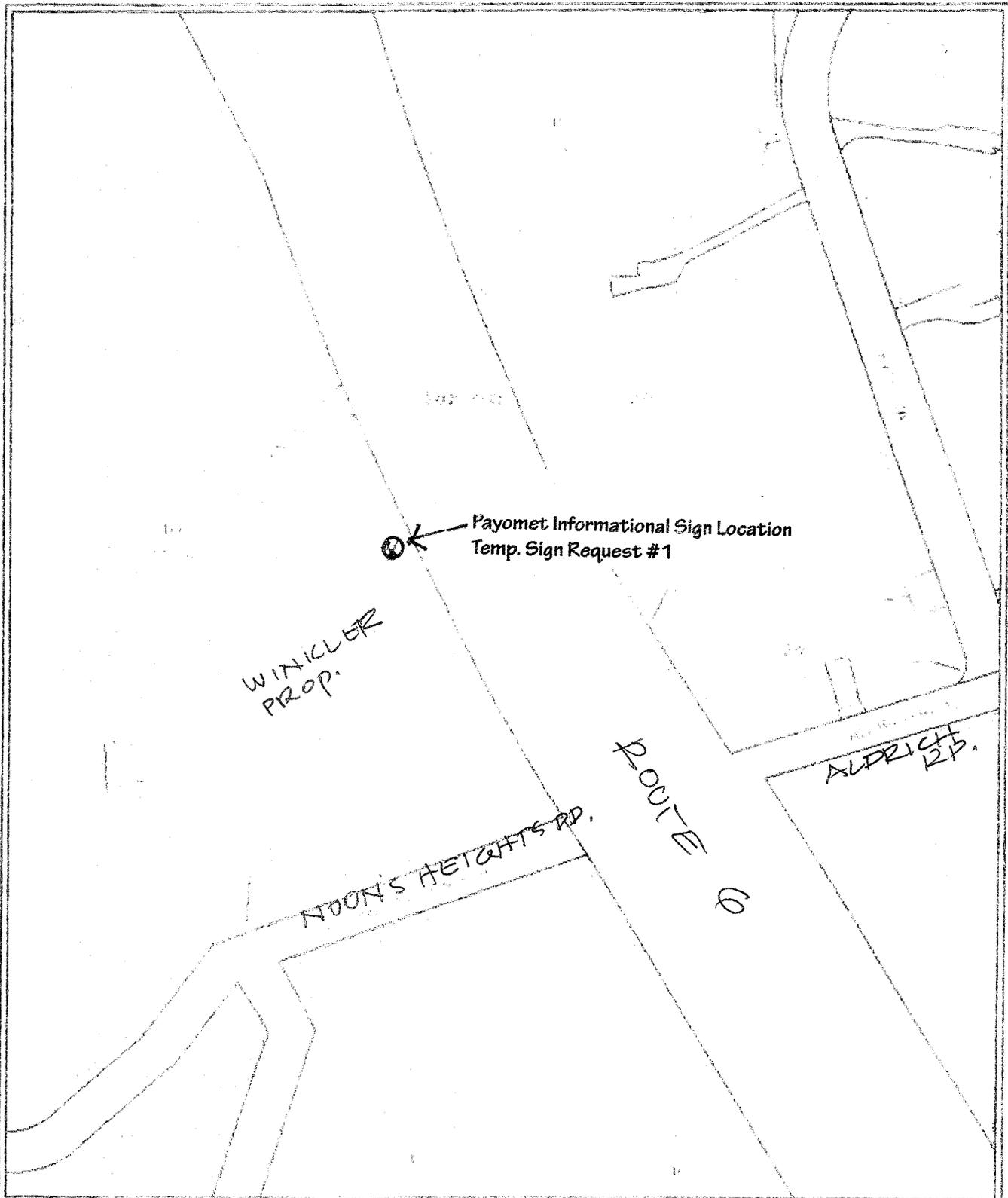
Text

Two-sided signs

Two locations

Scale: 1" = 1' - 0"

Payomet Performing Arts Center, Truro



Route 6 & Noons Heights Road
 Truro, MA
 12601 - 1231 feet
 April 27, 2015



www.ea-tech.com



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Payomet: Informational Sign Location
Temp. Sign Request # 1



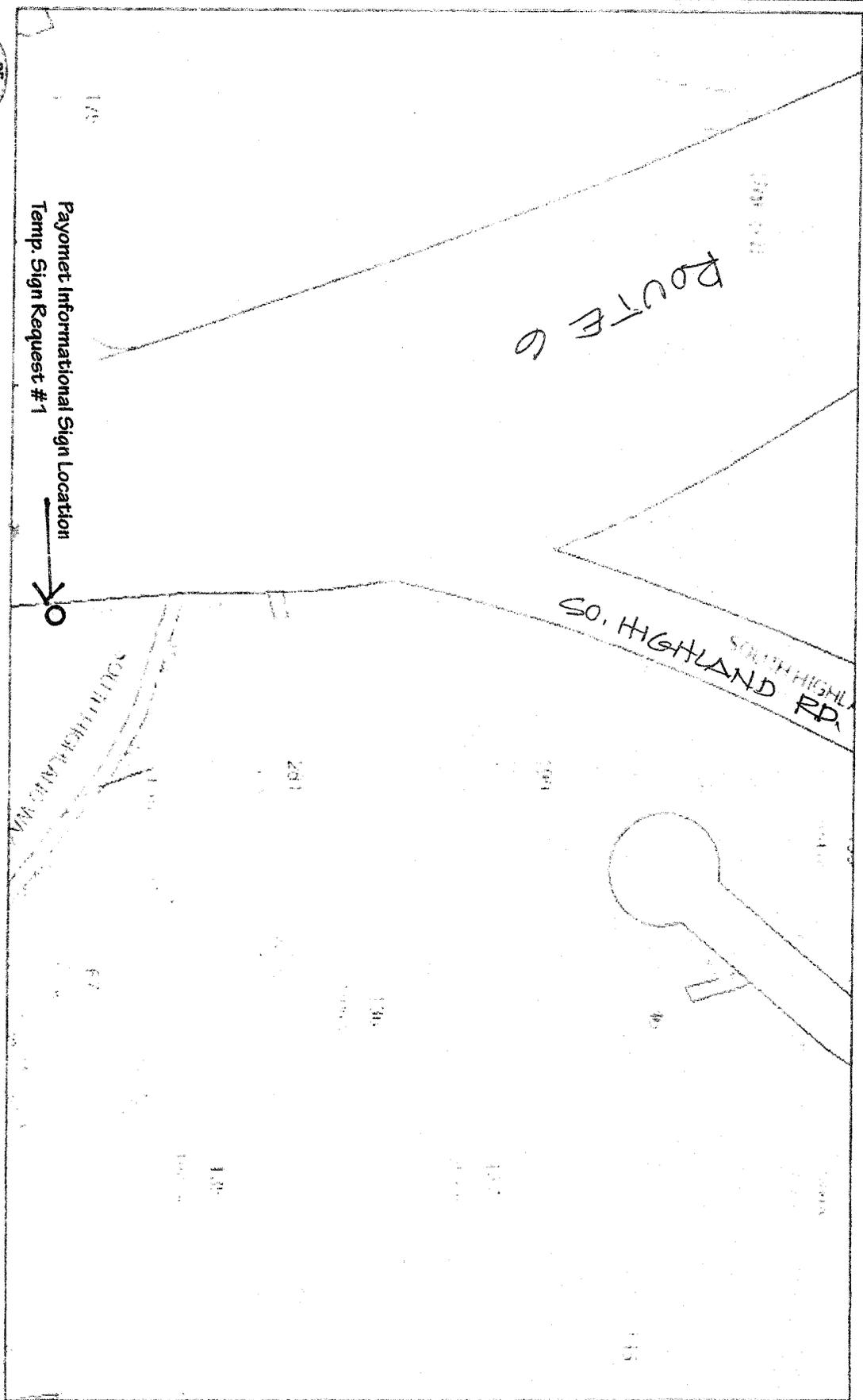
Route 6 & South Highland Road
Truro, MA

1 Inch = 104 Feet
April 27, 2015



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**Truro Planning Board
Meeting Minutes
October 27, 2015
Truro Town Hall**

DRAFT

Planning Board Members Present: Chair Lisa Maria Tobia; Bill Worthington, Jack Reimer, Steve Sollog, Bruce Boleyn

Board of Selectmen Members Present: Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

Present: Town Administrator Rae Ann Palmer; Planning Consultant Carole Ridley

Chair Paul Wisotzky called the meeting to order at 5:00 p.m. and announced it was being videotaped. Planning Board Chair Lisa Tobia called the joint meeting to order and introduced the Planning Board members.

JOINT DISCUSSION WITH PLANNING BOARD

Interview for Vacancy on the Planning Board

Members of the two Boards interviewed Peter Herridge, a candidate for a vacancy on the Planning Board. Mr. Herridge gave his background with an emphasis on his long history with Truro, and he answered questions posed by members of both Boards.

Robert Weinstein moved to approve the appointment of Peter Herridge to the Planning Board with a term ending May, 2016. Maureen Burgess seconded, and each member of the two Boards said *aye*. The motion carried unanimously

Affordable Housing

Board of Selectmen Chair Wisotzky began a discussion of Affordable Housing by noting the success of the recent Housing Forum held on Saturday, October 24, 2015. The Boards discussed options that would create more Affordable Housing for Truro: repurposing, multi-family homes, affordable accessory dwellings, garage apartments, senior housing, cluster zoning, condominium usage, home-share, and bylaw revisions. Jay Coburn noted the state's 10% Affordability goal. Board members pondered what was practical and feasible for the Town. The Boards were in favor of holding an Affordable Housing "think session" for several Town entities and community members.

Condominium Conversion

Another particular shared interest, condominium conversion, was mentioned. The Weston & Sampson study on water use and septic discharge in the Beach Point area will be of use for future examination of this possibility.

National Seashore Zoning Bylaw

The third item of mutual concern for the two Boards was a potential National Seashore zoning bylaw that may be brought to Annual Town Meeting 2016. Town Administrator Rae Ann Palmer said that Town Counsel would review a proposal from Planning Board.

ADJOURNMENT OF JOINT MEETING

Steve Sollog moved to adjourn the joint meeting. Bruce Boleyn seconded, and the Planning Board approved the motion 5-0. The joint meeting ended at 6:10 p.m.

Respectfully Submitted,

Shawn Grunwald
Recording Secretary

Meeting Minutes

November 4, 2015 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Lisa Maria Tobia; Steve Sollog; Bruce Boleyn; John Riemer; Michael Roderick; Peter Herridge; and William Worthington

Members Absent: None

Others Present: John Hopkins; Richard Waldo; Lester J. Murphy; James Rodricks; Emil Kudryk; Robert Weinstein; Carole Ridley, Planning Consultant; Shawn Grunwald

Ms. Tobia opened the meeting at 6:00 p.m.

Public Comment Period: The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

No one came forward to comment.

Interview-Planning Board Applicant: John Hopkins

Mr. Hopkins commented that he has applied to be a Planning Board member because he is interested in the road issue and interested in modernizing the zoning record system. His background is as a builder. Mr. Riemer raised the issue of conflict of interest. Mr. Hopkins stated that he is aware of this and would recuse himself as needed. Mr. Boleyn asked about Mr. Hopkins his availability to meet the obligations of the Planning Board. He stated that he is in the process of working less, thereby making him more available. He is unsure if he will run for the seat at the next election as he wants to “test the waters”, although he is more inclined than not to run for the seat.

Ms. Tobia clarified that the next step would be that Mr. Hopkins would need to meet with the Board of Selectmen. Then there would need to be a joint meeting with Board of Selectmen to vote, tentatively scheduled for November 10, 2015.

All Board members thanked Mr. Hopkins for his willingness to serve. Mr. Riemer raised the issue of the two previous applicants, Mr. Kiernan and Mr. Fishman, who were not appointed and that all members of the Board had not been present for their interviews. Mr. Riemer asked that they be contacted to see if they would like to be reconsidered. It was noted that members who had not been present for Mssrs Kiernan’s and Fishman’s interviews could view the taped meetings online.

Site Plan Review – Public Hearing Continuance

2015-005SPR Terrace Dunes Realty Trust, c/o Richard J. Waldo, P.E., seeks approval of an Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the construction of an accessory building to house a manager’s unit and a storage garage. The manager’s unit would be relocated from the existing building. The property is located at 179 Shore Road, Atlas Map 21 Parcel 2. Continued from August 4, September 8, and October 6, 2015.

Representatives: Richard Waldo, P.E.; Lester J. Murphy, Esq.

Mr. Waldo recounted the scope of the project. He also identified that they are requesting the following waivers, as provided in the Planning Board packet: existing condition plan; parking; lighting degree of illumination; parking and driveway cross-sections; project estimate and soil erosion plan. Mr. Murphy reviewed each waiver request. Most of the waivers relate to filing requirements. In terms of the soil erosion,

the only change will be to the rear structure and the grades will be brought to match the existing grade. The Board noted that soil erosion measures should be reviewed and signed off on by the Health/Conservation Department.

Mr. Murphy referred to the review criteria for a commercial development, as this is a commercial property even though the proposed project is a residential structure.

Mr. Murphy further addressed the question raised at the previous hearing regarding if there was a proper special permit by the Zoning Board of Appeals when the conversion went through. A copy of this was provided in the packet and he stated that the difficulty in locating the special permit was due to the property operating under a different name at the time of the conversion. In addition, Town Counsel rendered an opinion that it is operated in compliance with zoning as a motel. Ms. Tobia read the opinion into the record. Mr. Riemer would like to have Town Counsel advised that they rendered the opinion under the current condominium conversion by-law, which is an abbreviated definition from the 1981 by-laws. Mr. Riemer also questioned if the property being discussed truly has lawful use based on a misidentified permit.

Ms. Tobia would like to see a planting plan around the septic area and to the rear of the property, especially since it relates to the soil erosion waiver request. Mr. Murphy and Mr. Waldo stated that they are looking to use native plantings such as beach grass and agreed that it is important in order to stabilize the disturbed areas.

Ms. Ridley reminded the Board that this project is not within a wetland area but it appears that it may be partially within area mapped by Natural Heritage Endangered Species Program as priority habitat. The applicant agreed to do a MESA filing and emphasized that the septic for the proposed new manager's unit will be a compliant Title V system. The house will have gutters and downspouts leaching into the soil unless the Board would like to see a drywell installed.

The other health concerns raised previously for the septic was clarified as there will actually be a net decrease into the flow into the existing system because the proposed unit will have its own Title V septic system. Ms. Ridley also reviewed the additional concerns raised by the Truro Board of Health in terms of the new water service which requires review by the Truro Board of Health, the Truro Board of Selectmen and the Provincetown Water and Sewer Department. Mr. Murphy stated that all the utilities will be underground.

Mr. Emil Kudryk, an abutter, raised the concern of fire and safety access now that the common driveway is blocked by a dumpster and fence. Mr. Murphy stated that there is no easement. Mr. Rodericks came forward to address the fence and stated it was a business decision when the two businesses separated. Ms. Ridley reminded the Board that this is beyond the scope of the site plan review. Ms. Tobia would like the Fire Chief review the plan as this Department has not provided any input.

Another item that needed to be addressed concerned means of egress. Mr. Waldo replied that this will be clarified with the Building Inspector during application for a building permit.

On a motion by Mr. Sollog and seconded by Mr. Worthington, the Board moved to approve the Application for Commercial Development Site Plan Review for Terrace Dunes Realty Trust c/o Richard J. Waldo, P.E. and the waiver requests with the following conditions and exception: waiver §70.3.F.9 Soil Erosion Plan pending meeting all requirements of the Conservation Department; Letter of Determination from Natural Heritage; compliance with all Board of Health regulations; Fire Department approval regarding safe access to the property and abutting property, so voted 5-1-2. (Mr. Worthington, Mr. Boleyn, Ms. Tobia, Mr. Sollog in favor; Mr. Riemer opposed; Mr. Roderick and Mr. Herridge abstained).

Mr. Riemer stated for the record that his opposition is because Town Counsel was not advised of the original 1981 by-law regarding the conversion.

Seashore Related Zoning Discussion

Ms. Ridley reported on her conversation with Town Counsel concerning the proposed changes. Town Counsel has suggested that there may be other approaches to attaining the goal of maintaining the rural and natural character of the Seashore District. These may include lot coverage restrictions which could be on a sliding scale to lot size, floor coverage to lot ratio; bulk controls (exterior building dimensions) and dimensional standards for height and setbacks. She feels this type of approach, done in combination, may be more effective and allow for more flexibility for the Board.

Mr. Worthington asked that this be written up and given to a working group and he volunteered to work on this.

Mr. Robert Weinstein reviewed the issues he has with the current proposed zoning changes. He also remarked that Town Counsel identified that certain language within the currently drafted proposal conflicts with Massachusetts law. He would like the Board members to have a copy of the 1989 document which outlines some criteria for development. He believes this would be very helpful in any consideration in making proposed changes. He also suggested the Board refer to the Code of Federal Regulations Title 36, part 27 Appendix A, Cape Cod National Seashore Zoning Standards. He offered to be part of the working group when it is formed.

Possible Meeting with Zoning Board of Appeals

The Planning Board discussed a request to the Zoning Board of Appeals for a joint meeting, and raised the following possible agenda topics:

- Accessory dwelling use and what code requirements are now and what would be needed to make housing more available. Mr. Riemer stated he is a member of the accessory use working group.
- Identification of changes needed to reduce the number of requests made for variances
- Review of accessory use and affordable housing bylaws to identify inconsistencies.

Ms. Ridley will confer with the chair of the Zoning Board of Appeals to come up with some potential dates for a joint meeting.

Review and Approval of Meeting Minutes: October 16, 2015 (site visit), October 23, 2015 (site visit), October 20, 2015

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the minutes of the October 16, 2015 site visit meeting was approved, so voted 4-0-3 (Mr. Roderick; Mr. Worthington; Mr. Herridge abstained).

On a motion by Mr. Sollog and seconded by Mr. Boleyn, the minutes of the October 23, 2015 site visit meeting was approved, so voted 3-0-4 (Mr. Roderick; Ms. Tobia; Mr. Boleyn and Mr. Herridge abstained)

On a motion by Mr. Worthington and seconded by Mr. Sollog, the minutes of the October 20, 2015 were approved as corrected (grammatical changes) so voted 5-0-2 (Mr. Roderick; Mr. Herridge abstained).

Reports from Board Members and Staff

Ms. Tobia confirmed the date of November 10, 2015 for the joint meeting with the Board of Selectmen to discuss the appointment to the Board given the resignation of Mr. Worthington.

Ms. Ridley reported that three (3) members of the Planning Board attended a training session for on-site plan reviews and she will make written information from this training available to other members.

Ms. Tobia requested that the contact list be updated with the addition of new Board members.

The Board requested that the Fisher Road property be staked out and a site visit scheduled.

It was acknowledged that the abutters were notified of the postponement of the Secret meeting.

Mr. Worthington thanked the Board and staff members past and present for all their help during his tenure on the Planning Board. He especially acknowledged the work of Mrs. Greenhalgh. The Board members thanked Mr. Worthington for his contributions and work over the years.

On a motion by Mr. Worthington and seconded by Mr. Boleyn, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Shawn Grunwald
Recording Secretary

Joint Meeting
Town of Truro
Planning Board and Zoning Board of Appeals
Monday, December 7, 2015, 5 p.m.
Truro Town Hall

1. Call to Order by Respective Board Chairs
2. Introductory Comments by Board Chairs
3. Discussion on §40.2 Affordable Accessory Dwelling Unit
4. Zoning Board of Appeals Observations on Needed Modifications to the Zoning Bylaw

Draft

TOWN OF TRURO BUDGET REQUEST DOCUMENTS

DEPARTMENT: PLANNING BOARD

TOWN ADMINISTRATOR'S BUDGET RECOMMENDATION

Account	FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16 Approp	FY 17 Request	Notes & Comments
5100 Personal Services: Salaries, Wages & OT COLA	2,209.85	1,786.38	878.12	3,184.00	3,571.20	Recording Secretary 7.5 hours per meeting 2 meetings per month Times Hrly Rate
5200 Purchase of Services	200.96	266.42	166.34	500.00	275.00	Based on historical spend
5400 Supplies	0.00	0.00	0.00	250.00	0.00	Based on historical spend
5700 Other Charges and Expenses	0.00	0.00	0.00	300.00	0.00	Based on historical spend
TOTALS	2,410.81	2,052.80	1,044.46	4,234.00	3,846.20	

APPROVAL:

Town Administrator: _____
date: _____

date: _____

TOWN OF TRURO
BUDGET REQUEST DOCUMENT

DEPARTMENT: **PLANNING BOARD**

PURCHASE OF SERVICES - Account Number: 5200

Category	Description	FY 17 Request	Explanation
Communication	Advertising		Legal Ads
Other	N/A		
Purchased			
Services			
5200 TOTAL		0.00	

TOWN OF TRURO
BUDGET REQUEST DOCUMENT

DEPARTMENT: **PLANNING BOARD**

OTHER CHARGES & EXPENSES - Account Number: 5700

Category	Description	FY 17 Request	Explanation
In-State	N/A		
Travel			
Out-of-State	N/A	0.00	
Travel			
Dues and Memberships	Dues and Workshops, etc.		Dues, seminars, travel expenses
5700 TOTAL		0.00	
BUDGET TOTAL:		0.00	